The Third Part
OF
THE CRY
OF THE
INNOCENT
FOR
JUSTICE.

Briefly rela[illegible]roceedings of the Court of Se[illegible]*Baley*, the 11, 12, and 13. dayes o[illegible]h, towards the People of God e[illegible]d particularly concerning the [illegible] and [illegible] of *Edward Burroughs*, with about thirty [illegible]more.

Also relating the Proceedings of the Court of Sessions at *Hickeses Hall*, in the Moneth aforesaid, towards about fifty of the said People, who were taken and Imprisoned in the County of *Middlesex* in New Prison. With divers other things of concernment about the People aforesaid.

Published for satisfaction to all.

LONDON,
Printed in the Year, 1662.

C7306.62 23+

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A Brief Relation of the Proceedings, &c.

THE First day of the Sessions, being the 11th. of the sixth Moneth, eleven of the People called *Quakers*, were fetched out of Prison, and led before the Judgement Seat at *Old Baley*, and immediately were called by Name and set to the Bar, and the Indictment was read against them on this wise (*viz.*) *For being at an unlawful Tumultuous meeting, with force and Arms, to the Disturbance of the Peace of the King, and in contempt to him, and to the [illegible] of the People, and to the evil example of all others in the like [illegible]ding*, &c. And then it was demanded of them [illegible]y to Answer, Guilty or not guilty; and one [illegible]hat he was taken up in the Street, and not [illegible]rr of the Indictment; and another person be[illegible]er, demanded a Copy of his Indictment, [illegible]him, except so much money were given for it; And [illegible]answered, that he was both innocent and guiltless [illegible]anner or Tennor of the Indictment, and his innocen[illegible] and Life did witnesse against the same; and furthermore he said, That they expected Justice and Equity, and for them to give Righteous Judgement, they being Innocent People; But Alderman *Brown* upon the Bench, mocked with a whining voice, as if it were the sound of a Dog or Car, and not like a man, especially one that is set to Rule over men, who should be as men of God; and *D. B.* said, It becomes not a Magistrate to scoff or mock at the Prisoners; and *R. B.* denyed, and said he did not mock, but surely he did [illegible], for thereby the Multitude were provoked to lift up their voices in laughter at his Lightness and Folly, in which he sported himself as his manner is, and he said, *D. Baker* did Cant, and such like scoffing words; But he answered, saying, *I spake in the Fear of the Lord, and I would that the same were set up, not onely in the Hearts of the Magistrates but also in the Hearts*

of all here present this day; And it was demanded of him, whether he were ready to receive his Tryal, and he said, he was ready to receive Justice and Judgement, and they seemed to be displeased at his Reply; and it was put to him by the Court, whether he would be Tryed by a Jury, and he said on this wise; He supposed there were men upon the Bench that might be sufficient to hear and determine the matter without a Jury, as to the Particulars in the Indictment; and they therefore turned him by, and others of the Prisoners did give their answer accordingly, and one said, That he was guilty of what was Truth, and not guilty of the contrary in the Indictment; And the Court said, That if the Prisoners were guilty of one part, they were guilty of the whole; To which was replyed, Not so, for as it was Matter of Conscience to them to bear witness for the Truth, so it was Matter of Conscience to bear witness against the contrary; and it was said [illegible], there might be some words in the Indictment themselves might be true; and others of them as to the Indictment they accepted of, and others because they did not plead so [illegible] manner of Tearms, they would not allow their pleas for not guilty. Albeit, one was nothing at all concerned in the matter, being taken up as an innocent man in the street, without the breach of any Law, either of God or Man, and had then suffered more then thirty dayes Imprisonment, and been before the Judgement Seat twice, at two several Sessions, and not tryed, nor his Innocent cause pleaded, nor he set at Liberty, but with many more have been thus taken too and fro, and hurried to Prison and from Prison, to the Judgement Seat, and from Judgement to Prison again, but the Lord God of Judgement will be eased of his Adversaries, & plead the Cause of Innocency, and Recompence Vengeance in his sore displeasure upon the Head of his Enemies in one day; Behold, behold, it hasteneth and cometh to pass.

And so because they could not try them all, they said they would try none of them till next Sessions, and so sent them all to Prison again, but as the Jaylors was hurrying of them away, *D. Baker* spake the words of Christ, saying, *If ye had known what this meaneth, I will have mercy and not sacri-*

ſacrifice, ye would not have condemned the guiltleſs.

And the next Morning he wrote a few Lines to Alderman *Adams*, to the end he might move it to the reſt of the Magiſtrates upon the Bench, that they might be called to a Tryal, ſeeing they had dealt ſo with them the day before; and forthwith the Marſhal of the City was ſent, to demand of them or move them to it, (*viz.*) *If that they would confeſſe to him that they were at a Meeting, and at ſuch a Meeting as was mentioned in the Indictment, they ſhould go and be Tryed, and favoured it may be, with a ſmall Fine*, he ſaid; But in the Fear and Name of the Living God he was withſtood, and the Priſoners kept out of the ſnare, and they let him know that his Meſſage did tend to ſo much, as if he ſhould come to perſwade innocent men that they were thieves, and confeſs it to him when they were guiltleſs; And he ſaid, *What Anſwer ſhall I return the Court?* After we had debated the matter, we ſaid again and again, That if we ſhould confeſs that we were not at [illegible] Meeting, then we ſhould not confeſs to, but deny the Truth; for its true, we were at a Meeting, and it [illegible]eeting of the Innocent, Harmleſs People of God, to [illegible]ſhip Him; But we denyed and witneſſed againſt ſuch a Meeting ſpoken of in the Indictment, of which we were wholly Innocent and Guiltleſs, after this manner we ſpoke to him, and he went his way, ſaying, *Its in vain, then all would be to no purpoſe*, and ſuch like words; and nothing further was done in that matter.

The twelfth day of the Moneth, being the third day of the week, firſt about twenty of the Priſoners were fetched out of *New-gate* by their Keepers, and led to the Seſſions Houſe, where were ſitting on the Bench, the Mayor of the City, Alderman *Adams*, Alderman *Brown*, and Counſellor *Howel*, who ſat Judge at Law of the Court, as Deputy Recorder; And *E. Burroughs* was preſently called by Name to the Bar, with about eight perſons more of them called *Anabaptiſts*; and being ſet at the Bar, the Jury men were called and Sworn, the ſame who had ſerved the day before, and at the ſecond perſon laying his hand upon the Book, E. B. moved the Court in theſe words; Deſiring to know what priviledge the Law of the Land allowed the Priſoners in making exceptions againſt the Jury men, this he deſired

to

to know of the Bench he ſaid, becauſe he did not know the particular points of the Law in that caſe; To which the Deputy Recorder anſwered, they might make exceptions if they had good reaſons for it; but the Perſons being ſtrangers to all the Priſoners, they made no exceptions, having no knowledge of the men, and ſo could not well except againſt any of them. The Jury been ſworn, the ſeveral Indictments were read in the Court, E. *Burroughs* the firſt of all, according as the Priſoners ſtood Indicted at the Seſſions about five weeks before, a Relation of which Proceedings, with the Indictment Verbatim, ye have in our *Second part of the Cry of the Innocent for Juſtice*, lately publiſhed, though for our more orderly manifeſting the Truth to the perfect knowledge of all men, tis neceſſary that we inſert again in this place, the ſaid Indictment, which is as followeth, (*viz.*)

LONDON, ſſ.

THE *Jurors for our Lord the King preſent upon their oath, that* Edward Burroughs *late of* [illegible]*don, together with divers other perſons to the ſaid Jurors unknown, to the number of a hundred perſons, the firſt day of* June, *in the fourteenth year of the Reign of our Lord King* Charles *the ſecond, of* England, Scotland *and* Ireland, *Defender of the Faith, &c. With Force and Arms, &c. in London, &c. To wit, in the Pariſh of Saint* Ann *and* Agnes, *in the Ward of* Alderſgate, *London aforeſaid, Under pretence of performing Religious Worſhip, otherwiſe then by the Laws of this Kingdom of* England, *in this Kingdom is eſtabliſhed, Unlawfully and Tumultuouſly did Gather and Aſſemble themſelves together, to the great Terrour of his Majeſties People, and to the diſturbance of the Peace of our now Lord the King, in contempt of our ſaid Lord the King and his Laws, to the evil Example of all others in the like Caſe offending, and againſt the Peace of our Lord the King, his Crown and Dignity, &c.*

This being read by the Clerk, he proceeded to give the Jury their Charge, on this wiſe, That *whereat the Priſoner at the Bar ſtood Indicted for an Unlawful and Tumultuous Meeting, under pretence of Worſhip, contrary to the Law of the Land, as*

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in the Form of the Indictment they had heard, and had pleaded not guilty of the ſaid Indictment; Therefore according to their Oaths, they were to make true inquiry between our Lord the King, & the Priſoner at the Bar, in the caſe for which he ſtood Indicted, and without favour or affection to try the matter, and give their verdict according to their evidence, whether the Priſoner were guilty in Form and Matter as he ſtood Indicted. This was the ſum of the Charge given to the Jury. This being done, *E. Burroughs* in particular was ſet to the Bar, and three men called by Name for to give evidence (to wit) *William Branch*, *Thomas Glover*, and *Henry Walker*, all of them of the Pariſh of *Mary Maudlyn's Old Fiſhſtreet*, all of whom took their Oath according to form, *That they ſhould ſpeak the Truth, and nothing but the Truth concerning the matter inquired of them, as God ſhould help them*; And having taken their Oaths, they were bid to look upon the Priſoner, and ſpeak what they could ſay concerning him as to the matter for which he ſtood there Indicted; Accordingly the firſt began to ſpeak on this wiſe, That whereas he being an Officer in Captain *Coulchester's* Company, was commanded by his Captain on a certain day (being the Sabbath day as he ſaid) to go with three files of Muſqueteers to the *Bull* and *Mouth*, where the *Quakers* were met, in Order to break their Meeting as he was commanded; and then and there he found the ſaid people met together, to the number of about three or four hundred, as he might ſuppoſe, but juſtly he could not tell how many, and amongſt them this ſame Mr. *Burroughs* (ſaid he) now at the Bar, this ſame perſon was ſtanding upon a place, and ſpeaking amongſt them, ſpeaking, yes, Preaching to them in their way, (ſaid he;) and further, he commanded his party to march up the Meeting to the place where this Perſon (now at the Bar) ſtood, and he bad him come down and ceaſe ſpeaking, but he would not, but made ſome reſiſtance; whereupon he commanded his men to pull him down by force, which accordingly they did, and then took him out of the Meeting, and he and his men guarded him to *Pauls* where their main guard was, and he delivered him (this ſame perſon now at the Bar) to his Captain, and this I teſtifie upon my Oath, ſaid he, *&c.* This done, the ſecond perſon was called to ſpeak what he could ſay in that

caſe

caſe concerning the Priſoner at the Bar; to which he ſaid, he could ſay to the ſame purpoſe that the perſon before had teſtified, That whereas he was one of that partie commanded to go to the Bull and Mouth where the *Quakers* were met togeither, and there they found this ſame *Edward Burroughs* now at the Bar, Preaching amongſt the People, and according to command they pulled him down, and took him away to their Captain, and this was all he could ſay. Then the third evidence was called, and he was asked by the Court what he could ſay in the Caſe concerning the Priſoner, his anſwer was, That he had onely to ſay what the other two before him had ſaid; That whereas he was one of the party of Souldiers commanded to go to the *Quakers* Meeting, and there was this man (now at the Bar) ſtanding up and Preaching amongſt them, and they pulled him down, and took him away to their Captain, and he had no more to ſay; Thus the evidences gave witneſs, and this was the ſum of what was ſaid by them all. Then the Deputy Recorder asked of them, if they were certain this Priſoner was the ſelf ſame man, and how many people they thought were at the Meeting; to which they all anſwered yes, they were ſure this ſame perſon was the man, and there might be ſome hundreds at the Meeting, but how many they could not juſtly tell.

Then the Court ſpoke to *E. Burroughs*, and asked him, *What he had to ſay for himſelf in this matter he ſtood there Indicted, and had pleaded not guilty, and he had heard the Witneſſes againſt him, and if he had ought to ſay he might now ſpeak.* To which he began to ſpeak on this wiſe, That he was glad he was permitted to ſpeak in defence of his Cauſe, and he hoped they would fully hear him in what he had to ſay; He was no Lawyer, and therefore unskilled in the particular points of the Law, and ſhould not take in hand to proceed as ſuch a one, but in as much as God had given him a meaſure of Reaſon, and a property of Juſtice, and a principle of Equity, to diſcern of different things, he ſhould make uſe of the ſame, to defend the Innocency of his Cauſe, againſt the Charges falſly laid againſt him in the Indictment; and therefore he deſired their patience to hear ----- but while going on in this Diſcourſe, to moderate the Court,

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and to prepare their minds for Audience, and that he might come discreetly to the matter; the Judge of the Court stopped him, and interrupted his Speech, and told the Prisoner, *That he must be pertinent and brief, for they had much to do, and could not be held in long discourses.*

To which the Prisoner replyed, his Cause was weighty, and desired time of deliberate hearing, in order to sound Judgement; and he now was to plead on the behalf of his Life and Liberty, for ought he knew, it might prove so; but he should (God willing) be as brief and pertinent in what he should say, as the Case in hand would permit; yet could he not be bound up to so many words, nor to such a moment of time; but now he would proceed to make his exceptions, which was as to the Witnesses, that they were not competent Witnesses, for ------ About this time the *Judge* interrupted again, and asked the Prisoner, *What Countrey man he was*; To which was replyed by the Prisoner, Let the Court take notice (said he) how that but a very little before, thou desired me to keep close to the matter, and to be pertinent to the purpose, and now thou hast interposed a question altogether by the business, to lead me from the occasion in hand, and as it were, to pervert my speech from what I was going upon, and this is not very fair; at which words the Judge seemed highly displeased, to be so taxed in the Face of the Court by the Prisoner; and told him, *It was not fit for a Prisoner to give such words at the Bar, and the reason why he asked him his Name, was because he had said, he knew not the Laws of* England, *and therefore could not tell whether he was an* English *man, for every* English *man must needs know the Law of the Land*; To which *E. Burroughs* replyed, he onely said, he knew not the particular points, or every particular point of the Law, and not that he knew nothing at all of the Laws; and as to his Countrey, he had been for the most part at *London* for this divers years, and did pertain to this City; and desired he might be permitted to go on in his defence of his cause, and to shew his exceptions against the Witnesses, which the Court gave him leave to do: And then he did assert, that the said persons were not competent Witnesses in this Case, and therefore their evidence ought not to be taken against

him, for they were a party againſt him, and not indifferent men, and they could not Juſtly and according to right, be both Party, Proſecutors and Witneſſes againſt him; That they were a party, it was manifeſt by their own words; in as much as they had teſtified, they took him ſo and ſo, in the capacity of Souldiers, by force of Arms, which was not by due proſecution of the Law of the Land by civil Officers, by Warrant from ſome Civil Magiſtrate, or by Conſtable, *&c.* And the Priſoner further teſtified in theſe Words, That theſe men who now appeared againſt him as Witneſſes had themſelves violated the Law of the Land, and done violence unto the Laws and Government of *England*, in that by force of Arms, and not by due proceſſe at Law, they had ſeized upon his perſon, contrary to *Magna Charta*, which ſaith, *No man ſhall be taken, or impriſoned, or diſceized of his freehold, but by the Law of the Land*; And alſo the Kings late Proclamation, of the eleventh of *January*, 1660. (which then he held in his hand at the Bar) wholly prohibiting ſuch manner of ſeizing upon mens perſons as he would ſhew them, by reading the very words of the Proclamation if they would permit him; and therefore, in as much as theſe three Perſons now witneſſes againſt him; had done thus contrary to the Law of the Land, and againſt the very form and force of the Kings Proclamation, in apprehending and impriſoning of him by force of Arms, by reaſon of which they were liable to an Action at Law, if he pleaſed to bring it againſt them, for ſuch their illegal ſeizing upon him, and this both the Court and Witneſſes themſelves knew might be done, and therefore to Juſtifie themſelves in ſuch their unjuſt Action, and to ſave themſelves from what danger they were liable to for the ſame; they did now come witneſſes againſt him, and their now giving Teſtimony againſt him was to their own advantage, and to juſtifie themſelves in wrong doing, and to preſerve themſelves from that danger which might juſtly come upon them; And upon this reaſon he did except againſt them as not indifferent men, nor competent Witneſſes againſt him in this Caſe,---- Hereabout the Judge ſpoke to him, and told him this was not to the buſineſſe, and he muſt be ſhort, for they would not ſuffer him to make ſuch a flouriſh before them, nor to Preach and Prate to

them

them in the Court, and he muſt prove, *That theſe men had ſeized upon him contrary to Law*; to this purpoſe he ſpoke, and ſeem'd to be much offended at what the *Priſoner* had ſpoken.

To which *E. Burroughs* again replyed, That theſe three perſons themſelves had out of their own mouths proved what he ſaid, they had told the Court, how they were ſent in files of Armed men, and how they ſeized upon him by force thereof, and led him away Priſoner; and they had neither lawful Warrant from any Juſtice of the Peace, neither was there any Conſtable came with them, which he did aſſert was an illegal apprehending of him, and contrary to *Magna Charta*, and he would but read the words of the Kings Proclamation to them (which he ſtill held in his hand for that purpoſe) and that would make it more plain, ------ Hereabout the Court ſtopped him again, and denyed him Liberty to read the Proclamation, ſaying, that was nothing to the purpoſe, and the Judge ſaid, *He ſhould not over-rule the Court, and do not ye ſee* (ſaid he) *how he flouriſhes, and he would delude all the people, take him away Goaler, he muſt not be ſuffered to ſpeak thus*; Then ſome attempt was to take him away by force, but it was not then done; But the Priſoner kept cloſe to his matter ſtill, telling the Court and Jury, that theſe men were not fit perſons to witneſſe againſt him, in as much as they had ſo unjuſtly and illegally taken him, &c. without any warrant from any Juſtice of the peace, or due proceſs of the Law of the Land, &c. Hereupon Alderman *Brown* ſtood up, and ſaid, *He would juſtifie their taking of him, and ſome ſay, he was heard to ſay on the bench, he ſent them to the Meeting to take him, and it was lawful enough*, &c. And Alderman *Adams* ſaid, that ſeeing Sir *Richard Brown* had ſent him to Priſon, and ſent his men to take him, it was Lawful; for, Sir *Richard Brown* was a Juſtice of the Peace; To which the Priſoner replyed, That though Alderman *Brown* was a Juſtice of the Peace, yet in the capacitie of Major General of the City Regiments, he ſent his Officers and Souldiers to take Friends at their Meetings, and not in the place as he was a Civil Magiſtrate, for then he might and ſhould have ſent his Conſtables, or ſuch Perſons, by Warrant under his hand, and not rude Souldiers in ſuch a war like poſture; and therefore his be-

ing apprehended by theſe perſons that had witneſſed againſt him in the capacity of Souldiers, ſtill made it appear, they were not competent witneſſes in this Caſe againſt him, for they were a party, and violaters of the Law themſelves, &c. Here again the Court interrupted him, and the Judge told him, *That their evidence was good enough, and that if they had wronged him, he had his liberty of the Law againſt them, and might do what he would in that caſe, but their evidence the Jury might take*; To which was replyed again by the Priſoner, that if their evidence was taken, and he thereupon brought in guilty, and ſo condemned, and upon that caſt into cloſe Priſon there remaining, how ſhould he be capable to help himſelf in any proſecution of the ſaid men, if he had a purpoſe thereunto, and alſo the Judgement of the Court againſt him upon their evidence, would juſtifie them in what violence they had done againſt him, and therefore now only was the time for him to except againſt the inſufficiency of the men and their evidence, or elſe never; And therefore he deſired the Court and Jury to conſider the matter well ere they determined it, and alſo affirmed that he had Law and Reaſon and Truth of his ſide, and if they brought him in guilty it was not juſtly done, ------ Here again the Judge interupted and ſaid, *He was not to be ſuffered to prate in that manner at the Bar, and cryed take him away, we will not hear him; and he would delude all the People, and he ſhould not over-rule the Court, &c.* And hereupon he was taken by force from the Bar, and then he cryed out he ſhould appeal to the Mayor of *London* for fair dealing in his Tryal; and will not the Court hear, will they not hear me in defence of Truth? whereupon the Mayor ſtood up, and called to E. *Burroughs, and deſired him to ſpeak moderately and not offend the Court*; To which he made anſwer, he was never yet reputed an immoderate perſon, and he ſpoke as moderately as his Cauſe would permit, and deſired not to offend any; now the reaſon of the Court being offended, was at the manner of the Priſoners diſcourſe; which was with a force over them undauntedly and confidently, and ſo boldly as if he had not been in the capacity of a Priſoner at a Bar, and ſometime acting with his hands ſtretched out, and his arms abroad, appealing to the whole people to juſtifie the truth

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of what he ſpoke, and tis ſuppoſed that for ſuch cauſe, the Judge and Court took offence at him, for they ſaid often, he was peremptory, and ſuch like.

But after a little ſtop, the Priſoner began to ſpeak to the matter again, ſtill urging the Court and Jury, that the Witneſſes were altogether inſufficient perſons, and told them, he would once more lay it before them, and then leave it to their conſiderations; Then the Judge interrupted, and ſaid on this wiſe, telling the Priſoner that he had nothing to ſay, but to theſe two things; Firſt, *Whether he could prove by Witneſſes upon Oath, that he was at any other place that day and time mentioned in the Indictment, if he could do this, his Witneſſes ſhould be heard; Or ſecondly, If he was at that Meeting, then to ſhew ſome lawful Warrant, by the Authority of the Land, for his ſo being, if he could do either of theſe, it would be heard, and might avail him, elſe he had nothing to ſay, and the Court would hear no other matter.*

To which *E. Burroughs* replyed, He ſhould now ceaſe his Plea of the inſufficiency of the Witneſſes, and leave what he had ſaid to the Jury, and commit it to their Conſciences, and alſo ſhould now proceed to the Matter contained in the Indictment, for he had not yet ſpoken to that, and he had much to ſay, to ſhew the falcity of almoſt every line in it, and he had a Copy of it there in his hand for that purpoſe, to plead to it; And firſt of all he ſhould move this to the Jury, as to ſtate the point directly to them, whereupon the iſſue of the Caſe lyeth, as thus; The Caſe to be ſought into and determined by the Jury is not (ſaith he) whether I was at a Meeting at all; but whether I was at ſuch a Meeting for which I now ſtand indicted (that is to ſay) *Such a Tumultuous, Riotous Meeting, by force of Arms*, &c. This is the point determinable, for (ſaid he) I confeſs in my judgement, I own this Practiſe of Meeting together for the Worſhip of God, and I my ſelf have been at hundreds of ſuch Meetings, ------ To which *Richard Brown* quickly replyed, *So ſhall you never be at any more*; but ſaid the Priſoner, I never was in all my dayes at any ſuch Meeting as is mentioned in the Indictment, and for which I am now upon my Tryal, and therefore (ſaid he) I deſire that the Jury would obſerve this very thing; and in Conſcience upon their

Oaths

Oaths Judge upon this point, whether they find not whether I was at a Meeting, but whether I was at such a Meeting for which I now stand upon my Tryal, specified in my Indictment; and this I shall leave with the Jury, said the Prisoner.

To which the Judge replyed, That he had said lately, he knew not the Points of the Law, but now he had found out a strange Point, but it should do him no good, for the issue lay not there, but if he was at a Meeting, it was sufficient; and *Richard Brown* also said the same; and therefore said the Judge, If ye have any thing as to the two particulars I have mentioned, ye shall be heard, but nothing else will we hear.

After a little stop, E. *Burroughs* spoke again to the Court, and told them, That this common Law (which they had said was not written) but lay in the Breasts of the Judges (this was said both then and the Sessions before) he was not well knowing in, neither the extent of it, nor the penalties of it; but the Parliament had lately made a Law in particular on purpose against Meetings, and it might be supposed that their intent was by that Law, to abate the force of all other Laws, which might any wayes take hold upon any for Meeting together; and the occasion of that Law lately made was on this wise; The King at and since his late coming into the Land, had made divers promises to us for the tolleration and allowance of Liberty of Conscience, which promises they might expect the fulfilling of, ------ Here the Judge again interrupted and told him, He should not be permitted to speak on that wise, nor to over-rule the Court, and they could have no longer patience; and he spoke somewhat to the Jury, telling them, they had heard the Witnesses against the Prisoner, and they might proceed, and cryed, *Take him away Goaler*, which accordingly was done, and they pulled and haled him by force from the Bar, though the Prisoner kept on speaking, and desired that the Court would hear him yet a little further, for he had not done, and he should offer both Law and Reason against the Indictment, and he supposed it was his right by the Law, to speak the last words to the Jury (in the mean time of this Discourse, the Keepers were haling of him from

from the Bar) and it was a hard matter (ſaid he) not to be permitted to ſpeak for himſelf in his Cauſe, now when his Liberty was at the ſtake, and his Life too it might be, for Alderman *Brown* had threatned him ſo and ſo as they had heard, and he knew not but that it was to deſtroy him, and therefore of right he claimed liberty to plead his Cauſe to the Jury, who were his onely Judges in matter of Fact, and not the Court, ------ At which the Court ſeemed offended; but by this time the Priſoner was haled quite away from the Court, and ſet by, and not ſuffered to ſpeak one word more to them in defence of his Cauſe.

Then next of all were ſet to the Bar ſome perſons more of them People called *Anabaptiſts*, and their Indictment was read to the Jury, and a Perſon was called to Evidence againſt them, who teſtified upon Oath, that the Perſons there Priſoners at the Bar, were at ſuch a day and in ſuch a place met together, and he was one of the Party ſent to apprehend them, which accordingly was done, and theſe were the very Perſons; and this was the ſum of the Evidence given againſt them. Then they were asked one by one, what they had to ſay for themſelves? To which one of them anſwered, He had little to ſay but what had been ſaid by the perſon laſt at the Bar; and he for his part ſaw that they would not hear Reaſon, and he thought they were purpoſed already to do what they would, whatſoever could be ſaid; which the Court took as ſome reflection upon them, though by the effect it was proved true, That they intended to keep them in Priſon, whatſoever their Cauſe ſhould appear to be in the Trial: Another of them anſwered, As for meeting together to Worſhip God, it was his judgement ſo to do; yet their Meetings were peaceable, and not unlawful nor tumultuous; and to this purpoſe moſt of them anſwered, onely one Perſon told the Court, he confeſſed he *was at their peaceable Meeting, and it was his judgement and Conſcience to meet together among his Friends ſeparate from that Publick way of Idolatrous Worſhip ſet up*; at which words the Court took great notice, and was much offended, and Alderman *Brown* cryed to the Goalers, Take him away and lay him up, for he ſhall be tryed for his life for thoſe words; they are ſeditious words, and he ſhall be tryed for his

his life for them; and the Court cryed, Take him away, which accordingly was done, and he ſent into the Goal again: This is the ſubſtance of what is remembred concerning them, onely they pleaded much there was but one Witneſſe againſt them, and they ought not to be Condemned by one Witneſſe; and thus much ſhall ſuffice, for 'tis ſuppoſed ſome of themſelves may make a more exact Relation of the particulars concerning themſelves.

The Court and Jury having heard their Defence, or at leaſt a little of what they had to ſay for themſelves, they were ſet by; and next were called about twelve Perſons more of the People called *Quakers*, and ſet to the Bar, and their Indictments read to the Jury; Then a Perſon was called to give Evidence, who when he had ſworn, ſaid, I am now upon my Oath, and do teſtifie that I ſaw all theſe perſons at a Meeting at a Houſe in Tower-ſtreet on ſuch a day, we being ſent (ſaid he) by our Captain to that place, a party of Muſqueteers went to that Houſe, and we found them met together, and one Preaching among them, and we ſeized upon them and brought them away, and theſe are the Perſons, and this is all that I can ſay, ſaid the witneſſe; Then the Judge ſaid he muſt mention in particular by pointing at each man in particular, and ſay that he ſaw him there; to which the Witneſſe ſaid, he had their Names in a Paper, and he would look upon that, for he might not know all their Faces, and theſe mens Names he thought he had there, and looking upon his Paper, he ſaid, The 27th day of *May* theſe perſons were taken out of a Meeting, and he himſelf was one that took them, *&c.* Upon which one of the Priſoners, an antient man, *Robert Craven* by name, looked upon the Witneſſe, and asked him in theſe words, *Didſt thou ſee me there at that Meeting?* and the Witneſſe being a little ſtruck in his Conſcience, ſaid Nay, I did not ſee you there, though before he had ſaid upon Oath he ſaw them all there: Alſo one *William Newill* asked him alſo if he ſaw him there that day; and the Witneſſe ſaid Nay, he did not ſee him there; yet preſently afterwards ſaid he did ſee him there; which put a damp upon the Court, perceiving the Witneſſe ſo to contradict himſelf, in ſaying and unſaying, and ſtammering as he did very confuſedly; and the Auditors

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hiſſed at him, and ſome whiſpered *ſhame that ſuch a mans Evidence ſhould be taken againſt honeſt men.* And another of the Priſoners moved the Court to take notice of the falſeneſſe of the Evidence in this particular, whereas he had ſaid it was the 27th day of *May* that the Meeting was at which they were taken, and the Indictment ſignified the 25th day of the Month, and here was a contradiction between the Indictment and the Evidence, and deſired the Court and Jury that they would take notice of it; To which the Judge replied, ſpeaking to the Jury, There was ſeemingly ſome colour of Exception againſt the Witneſſe to make void his Evidence from that mans Exception, yet there was little in it for them to take notice of, for if it was the five and twentieth day of the Month as ſpecified in the Indictment, then it muſt needs be the ſeven and twentieth day, for the Law (ſaid he) ſuppoſes the Fact to be done the 25 day, and every day ſince, and ſo the 27th day; and thus the Judge of the Court (*viz.*) the Deputy Recorder in divers other words to this effect, ſeemed to juſtifie the Evidence that was ſo falſe and contradictory and unſound, as was manifeſtly apparent to the whole Company that were then preſent, who did many of them well obſerve how Juſtice and true Judgment were turned backward, and Truth and Equity could not enter, but whatſoever poor mens Caſe appeared to be in Trial, and how innocent ſoever they were found, yet it appeared the Court was reſolved to go on againſt the Priſoners, and to ſend all back to Priſon again.

Another of the Priſoners being asked by the Court what he had to ſay? He anſwered, that the Witneſſe had ſworn falſly, 1. In that he had ſaid he ſaw all the Perſons named in the Indictment at that Meeting. 2. After he had ſo ſaid upon his Oath, yet he confeſſed that two of them he ſaw not there. 3. In that he had ſaid there was one Preaching among them when they were taken in the Meeting, this was a Lye. The Mayor ſpoke to the Priſoner, and bad him Confeſſe he was at the Meeting, and he ſhould be dealt favourably withal: To which the Priſoner replyed, I am not guilty of being at ſuch a Meeting as is mentioned in the Indictment, but meeting together in the fear of God for his

Worſhip, I own and am content to ſuffer for, if it be the loſſe of my natural life; but the Witneſſe (ſaid the Priſoner) hath ſworn falſly, and he that will ſwear will lye, according to the proverb; and he bad the Jury do in the caſe with him, as they would be done unto.

Another of the Priſoners looked upon the perſon, who Witneſſed againſt them, and he asked him, Art thou ſure thou ſaw me at the day and place at that Meeting; The witneſſe anſwered, Yes, I am ſure I ſaw you there; and ſaid the Priſoner again to him, And didſt not thou then ſee alſo how *Richard Brown* did beat me, and kick me, and ſtrike me under the Chin when I was before him at his Houſe the ſame time I was ſent to priſon, which was a ſhame to any Magiſtrate to do ſo with any if never ſo great a malefactor; Well, but ſaid the Priſoner further, *I confeſſe* (ſaid he) *I was at that Meeting, as my duty to God it was ſo to be; and I am perſwaded the time will come, and that I ſhall live to ſee it with theſe ſame bodily eyes, that we ſhall meet together at that place, when you will not be there to diſturbe us.* At which words the Court ſeemed not to take much notice, onely the Judge told the Priſoners, and partly directing his ſpeech alſo to the Jury, That there was nothing to be ſaid by the Priſoners, that the Court or Jury could regard, as matter of weight on the Priſoners behalf, ſaving the two things before-mentioned, (to wit) Firſt, Whether they could prove by good evidence, that they were at any other place that day and time mentioned in the Indictment, if this could be done, they ſhould be heard. Or, Secondly, if they were ſo met together, then to ſhew ſome lawful warrant for ſo doing, by the Authority of the Land; to either of theſe two things they ſhould be heard, elſe not to ſay any more, for they would not hear them; to which ſome of the Priſoners began to ſay ſomewhat, but were not permitted by the Court, and then the Goalers took them away and ſet that Company by.

Then was called to the Bar about 8 or 10 Perſons more of them called *Anabaptiſts*, and their Indictments were read to the Jury, and a Perſon called and Sworn to give Evidence againſt them; who gave his witneſſe on this wiſe, That whereas he was Commanded by his Captain to go with

with a party of men to *Beech-lane*, where they were informed these People were met together; accordingly he and his Party marched to that place, where he found these Persons now at the Bar in a Meeting, and such a one of them Preaching, and he and his Souldiers did take these men out of the Meeting, and brought them away to the Guard; and this was the summe of his Evidence: Then the Prisoners were asked by the Court, what they had to say for themselves. To which some answered, the Indictment was false every line of it, and as many lies in it as lines, which the Court seemed offended at; Another of them said, that for his part he saw it was to no purpose to say any thing, for they would not hear Reason, and therefore he should be silent; Another said, That whereas it was said in the Indictment, they were met together by force and Arms, This was false, for they were neither in force nor arms, to which the Judge replyed on this wise, *That was onely matter of form in Law*, in that it was said, *by force and Arms*, and the Law supposed, that whatsoever act or thing was done contrary to the Law of the Land, it must be concluded by the Judges of the Law, that that Act and thing was done by force and Arms, because contrary to the Law; Thus the Deputy Recorder *Howel*, the present Judge of the Court, spoke to satisfie the Jury, as if that notwithstanding every word in the Indictment was not absolute true in the plainest sence, yet one way or other by such gloss and interpretation it might stand true; but how this could satisfie the Jury-mens Consciences, I know not, for I perfectly observed, that the charge to the Jury was in these words, *to make true enquiry whether the Prisoners were guilty in form and matter of the Indictment*; but in the proceedings, the *form* is made nothing; for *Richard Brown* divers times said, If they were at a Meeting, if this was proved it was enough; and it appeared to be the Judgement of the Court also, that if the Prisoners were proved to be at a Meeting, and a Meeting under pretence of the Worship of God, whether such Meeting was peaceable or with force of Arms, it was not material; if they were Meetings either under pretence or really for the *Worship of God*; Tavern Meetings, and Play-House Meetings, and Whore-House Meetings were not In-

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ditable, at leaſt no mention was made againſt the evil of ſuch Meetings at that time, but onely where they met under pretence of the Worſhip of God; if ſo, and that this was ſeemingly proved, it was enough for the Jury to find guilty, and the Court to Sentence; Well, but to return again to the preſent matter, The Judge ſpoke to the Witneſs, and asked him if he was ſure that theſe were the perſons that were taken at the Meeting, and he might point to them particularly, and ſay, *He ſaw this man, and this man there*; To which the Witneſs replyed to the Mayor and Court, My Lord (ſaid he) I do not remember the faces of all of them, nor do I know them by Faces, but I have a liſt of theſe mens names, (and looked upon it) ſaid, theſe mens names I have which were taken at that Meeting, &c. The Court made a little ſtop, thinking this was not a very perfect evidence, and many people were ſeen to wag their heads in contempt of ſuch doings, and that ſuch evidence ſhould paſſe; for it may be truly conſidered, that though he had ſuch Names in a liſt, yet there are many and divers men in this great City of one and the ſame name, and what evidence could that be againſt perſons whoſe faces he did not know nor remember, as himſelf ſaid, let honeſt men judge in the Fear of the Lord; Well, but the Priſoners excepted againſt the Witneſs, and becauſe but one Witneſs; mentioning that Text, ſome of them, *that under the mouth of two or three Witneſſes every thing ſhould be eſtabliſhed*, much objecting againſt the inſufficiency of one Witneſs, but that had no entertainment with them, onely the Deputy Recorder, ſpoke to them, as he had done to others before them, *That* they had nothing to ſay, ſaving to the two things before mentioned; Firſt, *Whether they could prove they were at any other place that day, and not at that Meeting for which they ſtood Indicted*; Or Secondly, *If they were at that Meeting, then what Warrant by the Authority of the Land they could ſhew for their ſo Aſſembling together*; *If they could ſay any thing on this behalf, they ſhould be heard.*

To which one of the Priſoners replyed to this purpoſe, that the King had promiſed Liberty to tender Conſciences, and to him in particular he did promiſe at ſuch a time that they ſhould have their Meetings quietly, if they would live peaceably; The Court took little notice of what he ſaid,

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onely asked if he had any Witneſs of it, the Priſoner then ſaid, not preſent here, but mentioned one of the *Howards*, that was then preſent with the *King* when ſuch promiſe was made; and alſo the Priſoner ſaid, 'Tis a general Maxim concerning the Law, *That no man whatſoever can diſpence with any Law of God, nor no Authority ought to command any thing, contrary to the Law of God*, and I am ſure (ſaid he) our Meetings are according to the Law of God, and deſired to ask the Court a queſtion, and they gave him liberty. I deſire to know (ſaid he) whether the Laws of *England*, be *contrary or according to the Laws of God*. The Judge anſwered, That the Laws of *England* were according to the Laws of God, God forbid elſe (ſaid he.) To which the Priſoner replyed, Well then (ſaid he) If the Laws of this Land be according to the Laws of God, as ye ſay they are, then we have ſufficient Warrant for our Meetings, from the Laws of the Land, becauſe our Meetings are according to the Laws of God, and juſtified thereby; and being warranted by the Law of God, we are Warranted by the Law of the Land alſo, if they are agreeable, and not contrary one to the other, as ye ſay; And ſaid he, ye may read in the Scripture, that the Apoſtles *met together in an upper Chamber, both men and women; and at another time were met together, to the number of* 120. *perſons.* ..... Hereabout the Court ſtopped his Diſcourſe, and would not ſuffer him further, and told him, That was in the infancy of the Goſpel, and the Rulers were then Heathen, and perſecuted the Chriſtians, *&c.* Not much more the Priſoners were ſuffered to ſay that is now remembred, but all taken away from the Bar, and the Judge ſpoke to the Jury on this wiſe, That they had heard the Matter, both what the evidence could ſay, and alſo what the Priſoners had ſaid, and now they might proceed; and the Jury aroſe up off their Seats, and went out to ſeek their Verdict, and as they were a going, *E. Burroughs* ſpoke to them, and told them, he hoped they would be more juſt, then to paſſe upon him, and not hear him firſt to the utmoſt of what he had to ſay, as they knew he was not permitted to ſpeak for him ſelf, what he would have done in defence of his Cauſe.

Well, the Jury ſtaid out about half an hour, and returned

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to their Seats at the Bar; and the Clerk asked them if they were all agreed? they ſaid, *Yes*; He asked them who ſhould ſpeak for them? they ſaid, their Fore-man; Then the Priſoners were called by name, E. *Burroughs* the firſt, and ſet to the Bar, and the Clerk bad the Jury look upon the Priſoner, and give their Verdict, whether he was guilty or not guilty of the Fact whereof he ſtood Indicted. The Fore-man anſwered, *Guilty*. Thus they did by all the reſt, and every man was returned Guilty by the Jury, ſave *Rob. Craven* and *W. Newil*, about whom the Witneſſe made ſuch a ſtammering contradiction, as before ye have heard; and one of the Priſoners at the Bar, when the Jury pronounced him guilty, he made anſwer in theſe words, *I would not (ſaid he) for a hundred pounds, but be found guilty of Meeting together to Worſhip God.* When the Jury had pronounced the Priſoners guilty (in the very time of doing it, came Sir *Orlando Bridgeman* on to the Bench, and ſat down) E P. ſpoke to the Court, Saying, He deſired to know the Names and places of the Jury-men, and of the three perſons who had given evidence againſt him; and he deſired them three might be there the afternoon, and he ſhould prove them falſe Swearers, as he could have done in divers particulars. And alſo ſpoke aloud to the Court, That he ſhould appeal to Judge *Orlando Bridgman* for better Juſtice, and ſhould move him and the Court the afternoon in arreſt of judgement, for he would have the matter heard over again.

And he ſpoke to divers of the Jury-men, telling them, They had done injuſtly, and while he had a Tongue to ſpeak and a Hand to write, he ſhould not ſpare to ſhew their unequal proceedings, who had condemned him, and not heard him to the utmoſt. It was obſerved by a Perſon in the Court, after all the Priſoners were gone, that ſome of the Jury ſpoke to the Court as they were paſſing away, that E. *Burroughs* had threatned them; *What ſhould they do?* Anſwer was made to them, Do not heed what he ſaith, for we will ſtand by you, and more words to the ſame effect, which the Informer could not well hear nor remember; and what may be judged of this by wiſe men, but that there was an agreement between the Court and Jury againſt the Priſoner.

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The Court immediately adjurned till after dinner, and all the Prisoners were led and driven back to *New-gate* again

The Afternoon of that day none of the same Prisoners were had down to the Sessions, but some others were of the same People, in order to Trial; and some were tryed, and others were called over, but no man appeared as to Accuse them, nor Witnesse against them; so the particulars that passed in the Court that afternoon, we have not yet had a Relation of, and so in this place must passe it, and passe on to the proceedings of the Court the next day, which was as follows.

In the Morning early, all the said Prisoners that had been Tried the day before were had down to the Court, and also Four Women that had been taken at the *Bull and Mouth* about a Week before, who were the first Called, and their Indictments read for being at an unlawful and tumultuous Meeting, *&c.* as they say; and it was demanded of them, Guilty or not Guilty? to which the Prisoners pleaded after some few words betwixt them and the Court, Not Guilty; then they were set by. Next was Called *E. Burroughs* and set to the Bar, and so after him every man by Name was called and set to the Bar that had been tried the day before; and the Clerk of the Court read a Paper, which pronounced every man *Fined so much*, some more and some lesse as the pleasure of the Court was; when they had read all over each man fined so much, and to lye in Prison till payment.

E. Burroughs spoke to the Court, and told them, He had not heard his Sentence; the Clerk told him over again, he was *fined one hundred Marks, and must lye in Prison till payment.* To which he Replied again, he looked upon this way of passing Sentance, not to be just, nor yet according to their own Custome; for he expected they would have asked him (according to their usual manner in that case) what he had to say for himself, why Judgment should not pass, for he had much to say on that kind, and bad the Court remember that yesterday he moved them and *Orlando Bridgman*, one of the chief Judges of the Land, in arrest of Judgment, and did now again move the same, and that

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Judgment might be ſtaid for a time, till the next Seſſions, or if they would not give him time till then, then but till the afternoon, he deſired to arreſt Judgment, and in that time he would produce divers Statutes contrary to the Form of which theſe proceedings towards him were; He ſaid he was no *Lawyer*, and therefore could not now nominate to them the particular *Chapters of the Statutes* which he deſired to inſiſt upon, and therefore deſired time till the next Seſſions, or but till the afternoon. Alderman *Brown* made anſwer and told him he ſhould have time; but the Recorders Deputy (Judge of the Court) told the Priſoner he could not have longer time, they could not admit it: To which *E. B.* replied, If they would not give him time in arreſt of Judgment, then they denied him both Law and Equity; for themſelves knew it was very uſual in many Caſes for Perſons after Verdict given in, to have time allowed them in arreſt of Judgment, and particularly himſelf had once at a certain place a falſe Verdict brought in againſt him, and he did move the Court at that time in arreſt of Judgment, and it was allowed him by Sergeant *Hatten*, who was then Judge of that Court, and he hoped he might have the ſame now.

To which the Judge Replied, He knew Sergeant *Hatten* well, but his practiſe was no example to them, for do you think (ſaid the Judge to the Priſoner) that we can give you time for you to take the Indictment and Conſult with *Lawyers*, and ſeek this occaſion and the other againſt it, this we will not do (ſaid he) but if ye have any matter or point of Law now to move we will hear you, but we ſhall give you no longer time: To which *E. B.* again Replied, Then he ſhould ſay it was a ſurprizal of Judgment, and very hard to be ſo dealt withal, not to have time till the afternoon, that he might give in his Exceptions againſt the falſe Verdict brought in againſt him; and what if he had a mind to Conſult with any *Lawyers* in the Caſe that knew the particular points of Law better then himſelf; why ſhould he not do this, his Fact was not ſo Criminal, nor of ſo large extent, but that the Law would allow him Counſel if he had a mind to uſe it, for if he were Attainted of Treaſon (which his preſent Caſe was not comparable

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too) yet in ſome caſes of Treaſon, he thought the Law would allow Counſel, and therefore he knew not why ſuch exceptions ſhould be made againſt him, as if he could not be admitted Counſel in his Caſe, if he had a mind to uſe it; Hereabouts the Judge interpoſed, and told him, *He ſhould not be ſuffered to over-rule the Court*, and (ſaid he) *Ye think to over-rule the Court to day again*; And do not ye ſee how he flouriſhes, I tell you (ſaid he) ye muſt not have time longer, but if ye have any matter now to except upon, we will hear you, or tell us what point ye would inſiſt upon if time were given you. To which *E. B.* Replyed, It was but yeſterday ſince he was Tryed, ſince which time, he had ſcarce opportunity throughly to conſider and ſtate the Matter, for he was with many more of his Friends, thruſt up into ſuch holes; and ſo thronged together, that he believed they would hardly ſuffer their dogs to lie as they were forced to lodge, and therefore he deſired a little more and better time, to look over the Statute of *Magna Charta* and other Statutes, which he ſhould peruſe in the Caſe; and for one thing firſt of all, he ſhould inſiſt upon the Matter and manner of his *being Illegally Apprehended, and by force, and not by due proceſs at Law brought to his Tryal*, which by the Laws of the Land ought not to be; and this is clear from *Magna Charta*, ſaid he, which ſaith, *No man ſhall be Impriſoned nor deſeized of his free-hold, but by the Law of the Land, and if any be apprehended and brought to Tryal, and not by due proceſs at Law it ſhall be holden for nothing*; The Judge made Anſwer, he was miſtaken, this was not ſaid in *Magna Charta*, though the firſt part of the words are, but the ſecond part of them for ſubſtance, is in a Statute of *Edw.* 3. Further the Judge ſaid, They could not hear him any longer, and they would not give time, and he ſhould not be ſuffered to prate there, and ſeeing (ſaid the Judge) you are ſo peremptory and ſtubborn, the Court takes notice of you, and thinks good to add upon you this Sentence further; *Ye are alſo* (if ye do pay your hundred Marks) *to find ſufficient ſureties for the good behaviour before ye are releaſed*, and take him away Goaler.

Then *E. B.* ſpoke aloud to the Court, and appealed to the Mayor of *London* by Name, and to Alderman *Adams*,

and Alderman *Brown* by names, is this fair dealing ſaid he, to deny me *Law and Equity at the bar?* and I appeal to you to do me right, and to let me have time, before Judgement be paſſed, that I may ſhew you my Reaſons grounded upon *the Laws of the land* againſt the verdict given in againſt me; and ſaid he, *Alderman Brown* thou haſt promiſed me I ſhall have longer time, fulfill thy promiſe to me, what wilt thou go back from thy word on the Bench? Let all take notice, I am *denyed Law and Cuſtome at the bar*, if ye deny me this motion of Arreſt of Judgement. Then Alderman *Brown* ſpoke to him in theſe words, *This is all ye ſhall have, and print it (ſaid he) if ye will through the Land*; To which E. B. again replyed, that he was no very great Printer, yet he thought it his duty to publiſh theſe things to as many as he could, that all the World may know the Proceedings; in the mean time the Court cryed *take him away, away with them all Goaler*, and then they began to hale them all away into Priſon again; and as they paſſed away, ſome of the Priſoners told the Court, *that the Lord would remember them in his day, and render unto them according to their doings, and the hand of the Lord was lifted up, and would deliver his people from all their enemies*, &c.

Here follows divers exceptions for Arreſt of Judgement which would have been brought in againſt the proceedings in E. *Burroughs* Caſe, if they had allowed him time for to draw them up, and to preſent them, as ſufficient reaſons why Judgement ought not to have been paſſed againſt him; *but ſeeing arreſt of judgement* was denyed him, and no time permitted him to preſent his Reaſons, therefore they are ſuitable on this occaſion here to be aſſerted, that all men may ſee he had *Law, Juſtice and Truth* of his ſide, though contrary to the ſame he was condemned.

EXCEP. I.

Concerning the manner of his Impriſonment, and of the Proceedings.

1 INaſmuch as he was *Apprehended and Impriſoned* by force of armed men, and ſo without due proceſſe of the Law

Law of the Land forced to a Tryal, even contrary thereunto, as may appear by the 29. Chap. *of Magna Charta, no free-man ſhall be taken or impriſoned, or diſeized of his free-hold or liberties, or free cuſtomes, or any other wayes deſtroyed but by the Law of the Land.* Theſe words *the law of the land* are explained by the ſtatute of 37. E. 3. Chap. 8. where the words *by the Law of the Land* are rendred *without due proceſſe of Law*; Alſo ſee the Statutes of 28. E. 3. *Chap.* 3. 42. E. 3. *Chap.* 3. *No man is to be taken or Impriſoned, or be put to anſwer, or brought upon tryall without preſentment before Juſtice, or matter of Record, or by due proceſſe or Writ original according to the old Law of the Land; And if any thing henceforth be done to the contrary, it ſhall be void in Law and holden for errour.* By all which it plainly appears, that the manner of his perſon being ſeized and Impriſoned was contrary to *Magna Charta* and the antient good Law of the Land; And his being indicted and arreigned, and put to anſwer and cauſed to plead, were all contrary to the Law of the Land, and on a wrong foundation as well appears; And ſeeing it is ſo, then good ground and reaſon had he, and fully backed with divers Statutes, to move the Court in Arreſt of Judgement; and that Judgement ſhould not have been paſſed at all upon him, for it was *impoſſible the Judgement could be juſt and true, and according to Law*, when the proceedings in order to Judgement from firſt to laſt, were directly contrary to the Law; and the words of the Law themſelves ſhall judge the Caſe, ſeeing what hath been done from firſt to laſt in his Caſe, is contrary to both meaning and intent and letter of Law, as by the form of divers Statutes is viſibly apparent. *The Judgement given upon him, is void in Law, and holden for errour by the Law, and this is true Judgement.*

Alſo in a Book called the Mirror of Juſtice, *fol.* 138. it is rendred a ſufficient exception not to be brought to Judgement by a right courſe, in theſe words, the Defendant may ſay in exception of Bill or Indictment againſt him, *That he is not bound to anſwer hereunto, foraſmuch as he is not brought to Judgement by a right courſe*, which is the very caſe now in hand, this Priſoner was not brought to Tryal by a right courſe in due Proceſſe of Law, but contrary thereunto, and that was matter of exception in Law againſt the paſſing of

Judgement. To this adde the very words of the Kings late Proclamation of the 17. of the eleventh Month, 1660. The King Commandeth *That no Officers nor Souldiers do presume to apprehend or secure any person or persons, nor to search any houses without a lawful warrant under the hand and seal of one or more of the Lords of the Privy Counsel, or Justices of the Peace in their respective Liberties; and we will that the said warrants be directed to some Constable or other known legal Officer, and we do declare that all those who shall hereafter be so hardy as to offend against this Our Proclamation, shall not onely not receive countenance from us therein, but shall be left to be proceeded against according to Our Laws, and incur Our high displeasure, as persons doing their utmost to bring scandal and contempt upon our Government, &c.* By all which it is apparent, the manner of E. B. his apprehending and imprisoning was contrary to both ancient Law of the Land and late Proclamation of the King; and inasmuch as the Foundation (to wit his imprisonment) of his Tryal, and so of the Judgement, was so false and illegal, and directly contrary to the mind of the King and the form of Law, how was it possible the Judgement should be just, that was laid on such a foundation of proceedings, so illegal; and this was E. B. his case, the manner of his taking and imprisonment (in order to Tryal and Judgement) was illegal, and the Judgement passed upon him in such order and proceedings must therefore needs be illegal also; and he ought to have had an arrest of Judgement not onely for a time but for ever.

EXCP. II.

Concerning the incompetency of the Witnesses.

2. INasmuch as the witnesses against him, (whose evidence was the immediate cause of the Virdict, and so of the Judgement,) were the very persons that had thus *violated the Law of the Land*, and had themselves apprehended him, seized upon him and imprisoned him contrary to the Law, (as in the first Exception is shewed) and because thereof were lyable to an action at Law which might be brought against them for such their seizing upon him, and violence done

done to him. Therefore it must needs appear to be injust, unreasonable and contrary to the equity of the Common Law (which is said to be by the Ancients, the Law written in the heart) That the very Persons, who had so violated the Law, even *Magna Charta* it self, in such seizing upon him, should be the witnesses too against him, and their evidence taken as the onely evidence in his tryal, upon which virdict, and so Judgement was procured upon him; for inasmuch as what evidence was given against him by the said persons, was to their own advantage, and to justifie themselves in their illegal dealing, and what they spoke to the prisoners disadvantage was to their own profit, which proves sufficiently that they were not *Competent witnesses* against the prisoner, nor in *Justice* and *Equity* could their witnesse be received against him, being the party themselves against him, and fully concerned in the case, either to get the Prisoner condemned by their Testimony against him, that themselves might be justified in the wrong they had done him, or else to be left liable to the justice of the Law, for their violating of it; and it must needs be against the very reason of the *Common Law of the Land*, (upon which this Tryal was) That parties in unlawful acts of violence against a Person, should be permitted to be witnesses in the Prosecution and Tryal against the same Person; this was the very case of *E. Burroughs*; wherefore his ground was good to move in arrest of Judgement, and backed with the reason and equity of *the Common Law*; for it is also said in the Book called *the Mirror of Justice* (a piece approved by the Lawyers of *England*) *fo'.* 251. *It is an abuse* (or unlawful) *to suffer a man that is a companion to be a witnesse.*

This truly considered the witnesses against him were incompetent and insufficient, also besides the malice and enmity of the men against the person of the prisoner, which out of envy (or mixed therewith at least) tis possible they might give such their evidence, and the Law allows not such mens evidence in Judgement; and that these persons were such men, as sought the illfare of the prisoner, nothing lesse doth appear in their transactions from first to last of this businesse; and the Judgement given upon such mens Testimony, the case throughly considered, could not

be

be juſt Judgement; therefore of right he ought to have had arreſt of Judgement.

EXCEP. III.

Concerning the proceedings of Court in time of Tryal.

3. INaſmuch as the proceedings in Court againſt him, were diſorderly and not duly in the moderate method of Law proſecution, in this particular of his being debarred and not permitted to ſpeak to the utmoſt what he had to ſay in his own defence of his *Cauſe*, which right was manifeſtly denied him, by the command of the Court, and action of the Goalers, who did violently hale him from the Bar, and would not hear him, nor ſuffer him to ſpeak his mind to the utmoſt, nor to read the Kings Proclamation of the 17. of the 11*th*. Month, 1660. which was pertinent to defend his cauſe in divers particulars, and he ought to have been heard to the utmoſt, before the paſſing of Judgement, according to 28 *Edw.*3 *chap.*3. in theſe words, *No man is to be impriſoned, diſherited or put to death, without being heard what he can ſay for himſelf*, which was not granted to the Priſoner, for he was haled away before he had ſpoken to the particular parts of the Indictment, which he profered to do, and that he would alleage both *Law and Reaſon* againſt it, but was *not ſuffered*; wherefore he had Cauſe enough *grounded upon Law and Reaſon, both upon Common and Statute Law*, to move in arreſt of Judgement; for in *common Equity* obvious to every mans view, no man can in Juſtice be ſentenced without a full hearing, which was this Priſoners caſe; nor can the Judgment be juſt upon any perſon, who is not heard to the utmoſt in his own Defence, and therefore an arreſt of judgment ſhould have been allowed him.

EXCEP. IIII.

Concerning the Law it ſelf againſt which it was ſaid, the offence was committed, and by which he was tryed and ſentenced.

4 INaſmuch as the offence was only for being at a Meeting, and a Meeting *onely in the worſhip of God*, and nothing ſaid or acted at that Meeting, but what *was good and juſt*; and all this, *both meeting together and ſuch practiſe in the Meeting*

Meeting according to the *Law of God, and the Holy Scriptures* and *example* of Saints in former ages; therefore Judgement ought not to have passed against him, but might lawfully be Arrested; and that more especially because tis a general assent by all Christian men, and used as a *maxime among Lawyers* that no Law of God can be *dispensed withall*; and it is said in the *Common Law*, as appears by *Doctor and Student*, Cha. 2. Speaking of the Law written in the heart of every man, *Teaching him what is to be done and what is to be fled, and because it is written in the heart, therefore it may not be put away, nor is it changable by diversity of place or time, and therefore against this Law, Prescription Statute nor Custome may prevail, and if any be brought in against it, they be not prescriptions statutes nor customes, but things void and against Justice, and all Lawes of men ought to be grounded thereupon; and* Cha. 4. *every mans Law must be consonant to the Law of God, and therefore the Laws of Princes, the Commandements of Prelates, the Statutes of Commonalities, are not righteous nor obligatory, but as they are consonant to the Law of God*; *Also by* Statute Law the same is apparent, 28. *Hen.* 8. 7. *Where it is expresly said, that no man of what Estate, Degree or Condition soever he be, hath power to dispence with Gods Laws, as all the Clergie of this Realm, and the most part of the Universities of Christendome, and we also do affirm and think.* These things truly considered, it may appear Judgement ought not to have passed against the Prisoner, in as much as the pretended Law it self, according to which this Tryal and Judgement was given, is contrary to the Law of God, and Condemning such Principle and Practise which are Justified by the *Law of God, Holy Scriptures and Example of Saints* in former Ages, as may at large be proved by the Scriptures of Truth, in the Acts of the Apostles and elsewhere, and the keeping the Law of God, and the practises of Christianity according thereunto by any person, cannot justly be Condemned by any Law of man; and this was the very case of E. B. he was *Apprehended, Tryed and Sentenced* for meeting together with Gods People onely to wait upon and to Worship him, which is according to both the Law of God in the Letter, and to that written in the Heart, and against such practise: So according to the Law of God, *Prescription, Statute, nor Custome*, ought not to have

have prevailed, even the Laws of *Princes*, and Commandments of *Prelates* in such a case, *are void and against Justice*; *for no man whatsoever can dispence with the Laws of God*, as hath been shewed; wherefore the Prisoner was excusable and justifiable from all Laws of men whatsoever, and ought not to have been Condemned into any Penalty or Imprisonment by that Law, which is contrary to the Law of God; not for his Worships sake, nor for Meeting together to wait upon him in his fear.

Thus it is plain, he had just Ground of Exceptions against Judgment and evident Reasons from both Common Law, and Statute Law, why Judgment should not be passed against him in this Case; 1. *From the manner of his being taken and imprisoned and prosecuted to Trial without due processe of Law, which is held for error, and against Justice by the Law.* 2. *From the incompetency of the Witnesses who were parties concerned in the Case, and what they testified to the prejudice of the Prisoner, was to their own advantage.* 3. *From the proceedings of the Court in time of Tryal, who suffered not the Prisoner to speak in full in his own defence.* 4. *From the Law it self by which he was Tryed and Judged, which Law is proved to be contrary to the Law of God, and therefore the Judgement of that Law ought to have been arrested*; And now last of all in brief, Judgement ought not to have passed against him.

5. Because in common Reason and Equity, Justice cannot condemn a man to any personal suffering, for the exercise of his Conscience to God-wards, in the practise of being Assembled together, onely in and for the Worship of the Living God, according to the very perswasions of the Spirit of God in the heart, and to the example of Scriptures and Primitive Christians; which practice of meeting together was not in its self, nor in its effects, any way disadvantagious, or prejudicial to any person upon earth; I say, *Common Reason and Equity amongst men* cannot with any Face of Justice Condemn any person to any suffering, in such a Case; inasmuch as such supposed offence for so meeting together is not any offence against any man, but against God onely, if it be really an offence, and that because of ignorance or error in Judgment and Conscience, which is onely punishable by the

the Judgements of God, as pertaining to his Conſcience, for ſuch offence againſt him; and not to be puniſhed by *Temporal Rules, with Temporal puniſhments*, becauſe tis a ſpiritual tranſgreſſion, and the Spiritual Law of God hath juriſdiction over the offender in ſuch a Caſe, and not Temporal Courts; This is proveable by the Laws of this Land, as it was ordained in the dayes of *Hen* 8. by Act of Parliament, when the people were nominally divided into two Bodies, named *Spirituality and Temporality*, and two *Juriſdiction, appointed* over the people, reſpecting the nature and kind of the offences committed, every offence Temporal againſt man, in wrong dealing between man and man, the cognizance of this was pertaining to the *Temporal Courts* and Judges, to *Hear, Judge and Determine*, and every offence reſpecting *the Church in point of Faith, Doctrine and Worſhip*, was pertaining to the Spiritual Courts, to be heard and Judged by their Spiritual Officers and Judges; thus it was in times paſt in our Nation, as Judged by the Rulers in antient dayes, reaſonable and juſt thus to do; and here fell out a like caſe, a Perſon *taken and accuſed, and brought to Tryal, as an Offender*, for and becauſe of being at a Meeting *in the Worſhip of God*, which is of Spiritual concernment, a matter of Spiritual Worſhip and Exerciſe of Conſcience, relating onely to the ſpirituality in hearing and determination; Yet was this perſons Caſe (though of Spiritual Cognizance and Juriſdiction, and not properly pertaining to Temporality by the very antient Laws of the Land) brought to Tryal, and judged in *Temporal Juriſdiction, and by Temporal Judges*, which had no power properly to meddle of ſuch a Caſe; and how could that Judgement be juſt brought forth by *Temporal Judges in a Spiritual Caſe*, a Caſe the Judgement of which properly pertained to another *Juriſdiction*; a Judgement paſſed by ſuch perſons in a Caſe of Conſcience, out of whoſe *Cognizance and Juriſdiction the Caſe properly was*; *A Temporal Judgement*, given in a *Spiritual Caſe*; And this was the very Caſe of E. B. wherefore he had all juſt Ground and Reaſon to move for Arreſt of Judgement, and in Juſtice, Judgment ought to have been ſuſpended in that Court, and either wholly averted, or elſe he and his Cauſe tranſmitted into another Court, where Court and Judges had been capa-

ble of Hearing and Determining a Spiritual Case; for this is *Common Reason* amongst men, that every reputed Offender have Law and Judges, according to the nature of his offence, and not contrary thereunto; an offence in Matters and Cases Spiritual cannot justly be Tryed and Judged in Courts Temporal, and by men onely Carnal; These exceptions were before me in my view, to have contracted and so presented them to the Court, but not being permitted time for an hour, I was not then capable to present them formally, nor to produce the *Statutes and Authors, to Authorize my exception* to the Court, but since that time I have drawn them up, and do here *offer* them to the view of the World.

E. B.

Here follows the Tryal of Esther Biddle, *and three women more.*

FIrst, They being called by names, and brought before the Bench, where the Clerk read the Indictment, and said, they disturbed the King's Peace, and the Peace of the Nation. *Esther Biddle* said, She had not broken the King's Peace, nor the Peace of the Nation that is good; Then the Judge asked, Whether she was guilty or not guilty; she asked him what evil she had done? then he said, take her away. Then she was taken out of the Court, and she desired the Keeper to let her stand still; He asked her if she would plead; she bid him let her go in again, and she should say what was in her heart. Then the Judge called for her to come up to the Bar, and the Power of the Lord rose in her heart as a fire, and an Hammer, and she said, *Fear the Lord who is Judge of all Judges, and will give you your Reward according to your works.* We are brought hither for Justice, and you are set under God to do justice, *and it is Justice we require.* The Judge said, They should have Justice, and said, Woman, *Your Counsel is good.* He asked if she would plead guilty or not guilty; she said, In the dreadful day of the Lord which is at hand, you shall know who are guilty and not guilty, you,

you, or we, of all the Innocent Blood that hath been shed. The Judge told her, she was to plead; she told him, If he would shew her what evil she had done, she would answer to it. He said she was taken in a *Riotous Meeting, and an unlawful Assembly* contrary to the Laws of the Nation. She asked him what Religion was used in *Olivers* dayes, and in years past, and whether our Meetings were contrary to the Laws of the Nation then; and he said no, our Meetings were tollerated, and indeed (said he) all things were common; She asked him, If our Consciences were to change as the Laws and Governments of the Nation changed; He said, We must be obedient to the standing Laws of the Land; He said, she must plead; She asked for her accusers; Then stood up one whose name was *Lovel a Vintner*, the Judge asked him, whether he took this woman out of the Meeting, and what she was doing: *Lovel* said, He took her upon a form speaking; and the Judge said, *What a woman speak!* The Jury and some other of the Bench said, *They never heard of a Woman to speak before*; She asked them, If they had not read the Scriptures, she told them, *Phœbe was a Propheteſſe*, and *Philip had four Daughters that propheſied*, and *Paul* wrote to his Brethren that they should take care of *the women that were fellow labourers with him in the Goſpel.* The Judge said, That was a great while agoe; she told him, It was when the Church was in her Beauty and Glory, but since darkneſſe hath covered the Earth, and groſſe darkneſſe hath vailed the Kings and Rulers, so that it is become a strange thing to the Apostates to hear of *a Daughter to propheſie*; she told them also, that they might read in the Acts of the Apostles, and in the book of *Joel, That God had promiſed to pour out of his Spirit upon Sons and Daughters, in the latter dayes, &c.* The Judge said, She should ask of her Husband at home; she said, If her Husband should be a Drunkard, or a for, what should she learn of him, to be wicked as he was? *R. Brown* asked, If her Husband were so? she said, No, but if he were so, what could she learn? But Christ is my Husband, and I learn of Him (said she.) Alderman *Brown* said, she had left her Husband two years, and went with a young man into other lands; she told him, That was not his buſineſs to judge at this time, nor was it fit for him to accuse

her, but she went with three Women as she was moved of the Lord.

The Judge asked the Witnesse, whether there were but five in the Meeting; The Witnesse said, He did believe there were about *two or three hundred*, but he could not bring them all; but said, he did prety well clear the room: She told the Court, That this man came into our Meeting (said she) where we were quiet and still, more like a mad-man, then a sober-man, with his Sword drawn, and a Cane in his other hand, and so he came up where I stood, and set his Sword toward my Face, and pluck'd me down (said she.) Then said *R. Brown*, It seems you were up then; Then she said, she was never in such a Meeting mentioned in the Indictment; but she was in the Meeting, and she should never deny it, but shall stand for it whilst I have breath said she; and this man gave his Souldiers charge of me, and he laid on with both hands upon our Friends; they thrust me to the door, and threw me down, and trod upon me, and if the power of the Lord had not preserved me (said she) they might have killed me; And she asked them, *Whether they owned that?* And *R. Brown* said, If they had *hanged her up, they had served her well enough:* And she said to him, *Thou art a wicked Judge*; Thou saidst to me when I was at thy house (said she) that the best work thou couldst do, was to persecute such a wicked Generation as we. And then she said, Why shouldest thou sit there as a Judge? He said, It was the best work he could do yet; And he said, If he hath done you any wrong (meaning the Witnesses) you may sue them at the Law, and write in your Indictment against them, That they pulled your Tongue out by the roots: She told him, That was a Lye, and asked him if he would have her be a liar? They said, Take her away: And then they called *Sarah Cobbet*, and *Frances Cole*, and *Elizabeth Sartyn*, and *John Ratten*; *S. C.* was asked whether she was guilty or not guilty: Afterward the Judge asked her whether she was in the Meeting or no? She said she was moved of the Lord to go thither: She was asked what she did there? She said, She was Commanded of the Lord to speak: then said *R. Brown*, and I command you now to be silent. Then they called *Frances Cole*, and asked her whether she was

Guilty

Guilty or not Guilty? She said she was not Guilty. Then the Jury brought in their Verdict that they were Guilty. Then *Esther Biddle* again desired to know what they had done; *R. Brown* told them, they were in an unlawful Meeting: Then she said, *Richard*, Dost not thou remember that thou Prayedst in the Camp by *Abingdon*, and was that an unlawful Meeting? was not that a good Day with thee? I am afraid thou wilt never see such another. *R. Brown* said, He had no other Place then, but now he went to Church, and so must ye too, said he; She told him, The day was at hand, wherein God would destroy the Temples and the the Worshippers thereof, unless they repented. *R. B.* asked her, if she meant her own Temple? And the Judge asked her if she meant Temple-Bar. She said she had been in many Nations, and before Judges and Benches, but never was before such a wicked Bench as this. *R. Brown* replied, And many Nations have been in you. They said, She had said enough, and then bid the Keepers take them away. Then she was pulled away to go to Prison, and after a little time she went up to the Bar, and said, Friends, I desire to know what you have done with me? Then the Judge said, Woman, you are young, and the Court hath considered you, and we hope you will be of another mind, and so we have put a small Fine upon you: To which she replied, This is not the way to make me of another mind; then it is sign *that liberty of Conscience is ceased within these few years*; Then she said, Friends, keep to that pure Principle which drew you forth at first from the Idols Temples and Idolatrous Worship, if you do not, the Lord will sweep you away with the Beesom of destruction into the pit of everlasting perdition. One upon the Bench said, She remembers us of the Old Cause. And then the Judge bad the Goaler take her away to Prison; She said, There is Mercy with the Lord, but there is little with men; So she was had away: *Lovel* (who Witnessed against her) *whispering to the Goaler*, bad him have her to *Bridewel*; Whereupon she step'd back to the Bar, and said, Friends, have you Ordered me to be sent to *Bridewel?* They looking one upon another, the Judge said, No: Then she said, This Witnesse is an envious man; for he bad the Goaler take

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me to *Bridewel*, and for ought I know he ſtandeth here to ſuck my blood (ſaid ſhe:) The Judge ſaid, It did not concern my life: Then ſhe ſaid, If it were not the mighty power of the Lord that preſerveth us (who hath the hearts of Kings and Rulers in his hand, and turneth them as a River of Water which way he pleaſeth) you would murder us all. Then they were fined 13.s. and 4.d. a piece, and ſo carried away to Priſon, to lye till payment.

ABout this time There was divers of the Priſoners ſick, of violent Feavers and diſtempers, by reaſon of that Exceeding throng which they were forced into, ſo many together in narrow Rooms, that they had ſcarce liberty to lie down one by another, which brought many great *Inconveniencies* upon them, and occaſioned dangerous ſickneſſes; inſomuch that many lay ſick at one time; and though ſome recovered, yet many died, to the number of Eight honeſt Perſons, who were two and two together in one week carried to their Graves from *New-gate*, which made the people cry out, *It was pity that theſe things ſhould be, That honeſt men for their Conſcience ſake ſhould thus periſh in Priſon*; and no doubt but the knowledge of theſe things, That many were ſick and divers died, and being publickly ſeen carried from *New-gate* two and two together in a week, made many ſtand amazed, working diſlike in the hearts of people againſt theſe proceedings; and though the priſoners laid their caſe (of want of priſon-room, and the dangerous diſtempers that were occaſioned amongſt them thereby, and that divers died becauſe thereof) before the Rulers of the City who had power to redreſs theſe grievances, yet notwithſtanding no notice was taken of it, no, though above twenty of the priſoners Friends went to the Mayor and Sheriffs of the City, to Reaſon the Caſe ſoberly with them, of the great ſtraits, inconveniences, and dangers that the Priſoners (their Brethren) were liable unto, eſpecially in the Summer Seaſon, by being ſo many thronged up together in noyſom places; and alſo proferred body for body, and that a certain number of them would become priſoners and goe into their places, for

for the relief and comfort of ſo many of their poor afflicted and ſick Brethren, that they might not periſh in priſon, according as in *The ſecond part of our cry of the Innocent for Juſtice*, is more at large publiſhed) yet no bowels of Mercy nor pity could be found, nor could the humbleſt proffers penitrate into their hearts to grant relief to the oppreſſed, but lie in cloſe priſon they muſt, whether they would die or live, as if they deſerved no pity of any. Well, for ſome weeks every day ſome fell ſick, and in particular that good man of God *Richard Hubberthorne*, unto whom in this place tis not unſeaſonable to give a Teſtimony, as of duty we are bound.

The ſame Perſon was born in the North part of *Lancaſhire*, and was of very honeſt Parents, his Father was a Yeoman of the Country, and had a good Report of his Neighbours, for uprightneſſe in all his dealings; and *Richard* was his onely Son, who was *inclinable from his youth upwards to Religion* and to the beſt way, alwayes minding the beſt things, and following the company of good men, and was never known to be addicted to any *vice* or *malignity*, nor ever followed any evil courſe of life from his Child-hood, but feared the Lord and walked uprightly before him, and was faithful according to the Light and knowledge received in all things; and his natural diſpoſition and temper was *meek* and *lowly*, *and loved peace among men*; he was brought up with his Parents in good education, according to the cuſtom of the Country; and in the time of the late Wars, he was diſpoſed to go into the Army, and was in *Scotland* moſt of the time till the Land was reduced; and he had ſome office in a Regiment, and did ſometime preach among his ſincere and ſober Companions that loved him wel, according to his knowledge and judgement at that day; and he obtained *a good Report* amongſt ſuch as were lovers of Religion.

And when it pleaſed the Lord God everlaſting to raiſe us up to be a People in the North parts, (and through *great Tribulations* and *extream diſtreſſes* within and without, which we paſſed through were we raiſed up of the Lord to be a *holy* and *choſen People*) This ſame Perſon was one among the firſt of us whoſe heart the Lord touched with the

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ſence of his *Power* and *Kingdom*; and amongſt us he had the mighty operation of the Power of God experienced in his heart; Great afflictions and tribulations for many weeks was he exerciſed in, through the diſpenſation of the Grace and Spirit of Chriſt Jeſus; he was in that ſtate, and while therein exerciſed for many dayes, a wonder to all that beheld him, as one paſſing out of the body, as one under the deep ſence of the hand of the Lord, under the *operation* of his Power, thus it was with many of us, and particularly with him; Till ſuch time as the ſame Power *that killed made alive*, as *wounded alſo healed*, as brought down alſo raiſed up, and then being raiſed up in the holy Spirit of the Lord Jeſus Chriſt he was made a Miniſter of the *Everlaſting Goſpel*, to preach *Repentance, Converſion, Salvation and Remiſſion of ſins*; and accordingly went forth in the Name and Power of the Lord Jeſus the Saviour of mankind; and was *a Miniſter of the glad Tydings of Salvation*, in many parts of this Land and elſwhere, to the converſion of many Souls to God; for his Miniſtry was made eff ctual by the Almighty Power of the Lord, to turn many *from darkneſſe to light, from the power of Satan to God*, and there are thoulands who can in the Spirit of the Lord bear Teſtimony to the power and verity of his Miniſtry, in many Countreys where he travelled; for he laboured much in divers places, and was very diligent and faithful in the work of the Lord, and ſuffered impriſonment divers times, and was hardly dealt withal, and perſecuted in *Cheſter, Cambridge* and in *Norwich* priſons and other places; and he was found faithful in all his Tryals among his Brethren, and alwayes ready to do his ſervice in what he was called unto with a willing mind, being *truly in body, ſoul and ſpirit given up to the ſervice of the Goſpel of Chriſt Jeſus*, a diſpenſation of which was committed unto him, that he might ſerve the Lord in his Generation; and though he now hath finiſhed his Teſtimony in this World, yet *the remembrance of him lives with us in the Spirit of Jeſus*, and he is accounted among the faithful Sufferers, a Martyr for the witneſſe of the Truth which ever liveth. And for the ſpace of nine years he laboured and travelled in the work of the Goſpel aforeſaid, in *moſt of the Counties of this Nation*, and was well known for his

his faithfulneſſe among the *Churches of Chriſt*; He was but little in ſtature in his outward man, and of weak Conſtitution of body, and was ſlow of ſpeech, and often more ready to hear then to ſpeak; he made little appearance in the man-hood of Excellency or Authority, but was contemptable among men, yet he was very wiſe, and knew his ſeaſon when to ſpeak, and when to be ſilent; and when he ſpoke, it was with much *diſcretion and deliberation*, in weakneſſe of words many times, yet reached perfectly the matter intended by him, and his ſpeech was *with Grace, and in the fear of God*, and had Authority in the Spirits of men, and was of *ſavour and ſound judgment*, though in weakneſſe of the man-hood expreſſed; for he anſwered not mens Wiſdom in excellent ſtile of words, but the witneſſe of God in ſincerity of ſpeech; he was a Perſon *of ſound judgment in divine Myſteries*, and of good experience in the operations of the power of God, and knew the paſſing through divers *conditions of the inward man*, and was able to ſpeak to many eſtates of man paſſing under the diſpenſations of the Grace of God; he could well inform the mind of a perſon in *an afflicted and toſſed ſtate of terrour and judgment*; and his Miniſtry was often ſavoury and ſeaſonable, and felt in the pure life, though his words were plain and homely, and no beauty in them to mans Wiſdom; and God made him and his ſervice a bleſſing to many who ſhall ſpeak for him in their own Conſciences; He was of a *loving, gentle and good diſpoſition*, and acceptable was his Company to them that knew him and were like-minded; a *good Companion* in all Conditions, not ſoon moved into paſſion of either grief in Adverſity, or of joy in Proſperity; nor had he a Spirit *taking offences* upon light occaſions againſt any, but watched for Good over all, and not for Evil; He was a man *of peace*, and loved it, and *walked peaceably* among his brethren, *in honeſt kind familiarity*; And I am perſwaded in my Soul, according to the experience I had of him for many years, he abhorred diſſention and ſtrife among Friends, and was never the real occaſion intendedly by himſelf, of any *difference and diſſention* among brethren; and what further is Truth of him, I leave it to the juſt God, whoſe teſtimony is true and never fails.

Among many others that were taken from Meetings and ſent to *Newgate* according as ye have heard, This *ſame Perſon* of whom I am now treating, was in like manner rudely and violently taken on the 22th day of the 4th Month laſt, out of a Meeting in the *Bull* at *Alderſgate*, and carried before *Rich. Brown*, who uſed violence to him with his own hands, in pulling his Hat down upon his head ſo that he brought his head near the ground, and then he Committed him to *Newgate*, where he remained till the Seſſions, and was then Indicted among the reſt, for being at *an unlawful Meeting*, *&c.* as it is ſaid; and he being throng'd up in Priſon among the reſt of us, it pleaſed the Lord to viſite him with ſickneſſe of body, and in 10 dayes ſpace (alwayes growing weaker and weaker in that time) he diſceaſed and laid down his body in peace; About two dayes before his departure, ſome of his deareſt Friends went to viſite him, and ſat by him a ſpace, and ſpoke ſomewhat to him, and asked him if any thing was upon his Spirit, he might now ſpeak it to his Friends? His anſwer was, *That there was no need to diſpute matters, for he knew the ground of his Salvation, and was ſatisfied for ever in his peace with the Lord God, and we knew* (ſaid he) *one another well, and what each of us can ſay about thoſe things*, and ſpoke no further: And the 17th day of the 6th Month he departed this life, and was gathered up to his Fathers, the Generation of the Juſt; and though he be gone in that bodily appearance, and his perſon removed from us, yet is his new-Name written among us, and his Memory can never die, for his Spirit ſtill lives to praiſe the Lord, and the life which breached forth through that veſſel cannot be removed far away; for it is the *Infinite, Immortal, Eternal Life*, which dwells in *Sons and Daughters now upon the Earth*; and though his outward man be put off, yet he lives alwayes in Spirit, for he was a *Servant of the living God* upon Earth in his day.

In about ſix Weeks time, there died of the Priſoners that ſuffered for Conſcience ſake *in Newgate*, theſe Perſons named as follows, who were *honeſt ſincere men of truth that loved the Lord, and ſerved him with their upright hearts, and gave up their lives for the Teſtimony of Jeſus, as faithful Martyrs and Witneſſes for him*; And 'tis verily believed, their cloſe and throng'd

throng'd Imprisonment in the Summer Season, was the occasion of their sickneſſe and violent distemper, and so consequencly of their Death, which amounts to innocent blood, being men whose lives were destroyed causelesly, by reason of the wickedneſſe and Persecution of ungodly men, and their Death will be inquired into by the Lord, when he comes to judge all men according to their deeds, and gives unto them after the fruit of their own doings; *John Stanton, Thomas Kirby, Richard Hubberthorne, Anthony Skellington, John Giles, William Watson, John Stutt, William Eldredge, Richard Bradley:* And *Humphrey Bache, and Humphery Brewſter* died in a short time after their Releaſe. These men laid down their lives for the Testimony of Jesus Christ, and suffered for *Conscience sake till death*, and left good Testimonies behind them, spoken on their death-beds; One of them said, *This body of mine must go for the Truth, this body must be laid down for the Testimony of Jesus Christ, as a Witneſſe against this persecuting Generation; and he rejoyced in the same at the point of death.* Another of them said, *The terrible day of vengeance is at hand upon the wicked, Wo unto the persecuting Rulers of this City, the Lord is nigh unto them in the stroak of his Judgements*, &c. Another on his death-bed *Exhorted earneſtly all Friends to be faithful, to be bold and valiant for the Truth of God, and to suffer patiently to the end, till deliverance come, which the Lord will bring unto his people in dispight of all their enemies*, &c. These and such like Testimonies were given by these Servants of God on their death-beds, which will be fulfilled in the Lords season, for the words of dying men are serious and certain; Oh! that this City would take notice of the same, *That the Rulers and People* thereof would Repent and turn unto the Lord, ere his wrath break forth againſt them for their wickedneſſe, which is great this day in the sight of the Lord, and before him, for which his wrath is kindled to burn as a flame, and it will reach unto the high and lofty, and all fleſh shall feel the indignation of the moſt high; Oh! that men would *remember the long-suffering* of the Lord, and Repent, and return before it be too late, for nothing can save this City and her People from the Wrath of the Lord, except speedy and true Repentance, and returning with all the Heart, and with all the Soul; wherefore let

the people become *Meek, and Humble, Lowly, and Poor, Holy and Just* before the Lord, let them break off their sins by Repentance; The day of the Lords sore Judgements are at hand, and Breaking, and Destruction, and Misery will surprize the Workers of Iniquity.

Concerning the Imprisonment and proceedings of the Court, and release of above fifty of our Friends in the County of Middlesex.

THere were taken out of several peaceable Meetings, while they were humbly waiting upon the Lord in his Fear and Worship, above fifty of our Friends in that County, and at divers times committed into the *New Prison*, all of them saving a few persons by the *Lieutenant of the Tower*, being taken by Souldiers, and violently seized upon in such their peaceable Meetings, and not according to Law, and brought before Lieutenant *Robinson*, who sent them all to *New Prison* without much examination of them; and there they were kept Prisoners many of them three Moneths, and never brought to Tryal, onely about thirty of them a fortnight after their Commitment were had to the *Tower*, and the Oath of Allegiance was proferred them, by the Lieutenant in these words, *Will you take the Oath, will you take it, will you take it*; And for refusal, they were sent back to prison again, though he was so hasty in asking them about, that divers of them had not time to speak to him, nor to treat with him in sober discourse about the lawfulness of the same, which some of them desired to have done, but little was said; *But will you take it, will you take it?* And they were all continued Prisoners till about the twentieth day of the sixth moneth, at which time there was a Sessions at *Hickeses Hall* for that County, to which place divers of the said Prisoners were brought, first of all six een persons who were there Indicted *at common Law, for being at an unlawful Meeting, &c.* according to the forme, as before is shewed; and they were asked, *Guilty or not guilty*, to which most of them pleaded *not guilty*, and were returned back to prison again,

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ſuppoſing that ſame Seſſions they ſhould have been Tryed. Next after them were ſeven more Perſons called into the Court, and *Indicted alſo*, and demanded to plead *Guilty* or not *guilty*, but they refuſed to plead in their Form of Tearms, though they all ſaid, they were Innocent and Clear from ſuch a Meeting as was mentioned in their Indictment, and in ſubſtance and effect pleaded not *guilty*, though not in the very *form of the Courts proceedings*; but they were condemned as Mute, and the Indictment taken *pro Confeſſo*; and they preſently ſentenced them ſo much fine a piece, and ſent them Priſoners to *New-gate*, there to remain till payment.

About this time there was a Seſſions kept at the *Old Baley*, to which place it was verily expected many of the Priſoners in *New-gate* would have been brought for their Tryal, for there was about 140. of the ſaid People now Priſoners in that place, beſides the fifty in *New Priſon* (before mentioned) and though divers of them had been led out of the Priſon to *Old Baley* ſeven times already, yet was never *Tryed*, nor any thing charged upon them to this time; Yet not any of the ſaid Priſoners were *called this Seſſions*, the occaſion thereof was this; There being at this time near 200. of our Friends, beſides many of the *Baptized People*, in the *Goals for* London *and* Middleſex, moſt of whom were all taken by Souldiers, and force of Arms violently, out of *their Meetings, where they were waiting upon the Lord, in his Fear*, according to the practice of the *Primitive Chriſtians, and example of Scriptures*; and being ſo apprehended, were all of them committed at divers times into the ſaid Goals; and ſome were tryed, others not, ſome fined, others not, and in ſeveral Capacities of Priſoners, they were yet all continued ſtrictly in Priſon, to their great danger and inconveniences by reaſon of ſo ſtrait Impriſonment as ye have heard; And the *King* knowing of theſe things, and that many were now in Priſon, and is hoped, he took into good conſideration, the ſad eſtate of his *Subjects*, he was pleaſed to ſend His Letter thus directed, *To the Mayor of* London, *and other his Commiſſioners and Juſtices for the Goal delivery of* Oyer *and* Terminer, *and of the peace in the City of* London *and County of* Middleſex, which was read in the open *Seſſions* at *Old Baley*, the twenty

twenty second day of the sixth month, signifying the Kings pleasure for the release of the people called *Quakers*, and others of the separation, upon that occasion of the *Queens* first coming to the Kings Palace at the *City of Westminster*; his pleasure was, that all such persons should be discharged then in the Goals for *London* and *Middlesex*, except *Ringleaders, and Preachers, and such as were incited for refusing the Oath of Allegiance, &c.* According to which Letter, most of the said Prisoners were discharged, except some few excepted, who yet remains; Onely the Goalers (which is a common property pertains to the men of that calling) greedy of Gain and Money, would not set at liberty the prisoners without paying Fees, but kept them about six dayes after, and then let them go without Fees, which for *Conscience sake* they could not pay, for these Reasons.

1. Because *Fees in themselves are an imposed oppression and exaction upon Prisoners*, and we are bound in Conscience to bear witness against such imposition, by denying to pay Fees, which is an evidence against it, and we cannot uphold such *Oppression and Exaction*, but do witnesse against it, by denying to pay any Fees; for ceasing to uphold any oppression by denying it, is the greatest witness against it, and so is it in this case; and seeing it is an oppression (even this very matter of Fees) we rather chuse to suffer, then to *uphold it and maintain it*, by paying any; and this is one Reason why we deny to pay Fees.

2. Because *we are Innocent, and not imprisoned for any evil doing or breach of any just Law*, therefore we may not pay Fees, and thereby render our selves to the suspition of *guilt*, when we are *guiltlesse*; for paying the impositions of Fees to *Clerks and Goalers* doth partly render mens clearness and innocency to the evil surmise of evil minds, as if they were *guilty*, and because we are *clear and innocent* both before God and men (in this case of being sent to Prison for Meeting together for the Worship of God) we may not pay any imposed Fees; for if any Fees be due, they are due from Transgressors as an Imposition deservedly upon them for their offence, and not from the Innocent who are wrongfully imprisoned, and of right ought not to be *imposed* upon by

by any, much less by the Goalers, who are but inferiour servants.

3. Because *there is no Law of the Land commanding and injoyning us to pay such exacting Fees as is usually demanded of us*, but onely a traditional custom got up in the Land, and by custom of time long continued, now tis claimed as due and debt from Prisoners, wch is not due by any Law of the Land, but *Imposed and Exacted* by long custom without Just Law; and therefore we do refuse to pay such Imposition, which is come in by evil custom, and not by good Law, which we are bound to Witness against by the denyal of it; who cannot in good Conscience uphold any thing but what is rooted and grounded upon *Justice, Equity, and Truth*, and not that which is grounded upon *evil customs*, and is in it self *Exaction and Oppression*.

4. Because *we are a free people, born free of the Seed of God, and are spiritually of* Abraham, and cannot be subject to the wills of men, to feed the *Oppressors* after their desires; though tis our Principle and Practise to be subject to every Authority *by doing or suffering*, according to established Law, yet we do refuse subjection to impositions grounded upon evil customs, and without any Law; and that because we are a free people, and cannot be bound by vain and formal Traditions in any case, but do deny to uphold any thing of that nature, and do also travel and suffer for the end, *to correct and rectifie* every such abuse in the world, that every Yoak of bondage may be broken, and all people may come to the *free Spirit* of the Lord, to be led and ruled thereby, and not bound under every formal Custom of men; so for these Reasons do we refuse to pay, *exacting, extorting, and oppressive Fees*, and not out of *Covetousnesse nor Penury*; for tis our property in the free Spirit of the Lord, to shew kindness to them that are kind; though we cannot *buy courtesies*, nor fee men aforehand for their love, yet no man hath occasion to say of us, they are covetous, nigardly, and disrespectful to such that shew favour to them; we are not of that spirit, that flatters men with fees aforehand, neither of that spirit that can bow and bend to pay fees, for fear and terrour of the threats of men; but we are of that *free, liberal, bountiful and grateful spirit*, that can do good, and be liberal

liberal to all men in the free Spirit, without flattery or fear; but to be bound by impositions contrary to our Consciences our souls do hate, rather then to be subject on that kind, we can suffer the loss of all, till the Lord arise and make us free outwardly from all *cruel and hard impositions* of men, as his Power and Spirit hath freed us *inwardly* from the bondage of sin and death, for which we wait, according to the Promise of the Everlasting God.

Concerning the late Imprisonment *of divers of the People of God called* Quakers, *because for* Conscience sake *they have refused to go themselves, or send out men in the Train-Bands; With* some Reasons *shewed for such* their Conscientious Refusal.

BY divers *wayes and means, and upon divers occasions and pretences*, hath the long and cruel Persecution been inflicted upon the People of God, against whom many *occasions* have been sought and taken by their Adversaries on purpose, that they might fulfil their envious Wills upon them, and destroy them by *Imprisonment, and every way else*; And when one Means and Way would not effect their desired aim in that particular, then they have found out some other way, wherein to persist and travel on to bring to pass the *ruine and overthrow* of the Heritage of the Lord, if it were possible for them so to do; yea, such is and hath been the *zeal, and madnesse, and cruelty* of that birth born of the Flesh in all Ages, against the *meekenesse, humility, and vertues* of that birth born of the Spirit, as it is even at this day, that he hath left no way unattempted to effect his desired end, even to destroy and overturn the righteous Seed which God hath blessed; and of this we have experience in our Age, who are feeling *Witnesses of the cruel hand of Persecution upon us*, for and because of that Truth and Righteousnesse which we hold forth in the World, by *sound Doctrine and good Conversation*.

And among the many occasions sought out against us, now

now of late divers have been Committed to Prison for the Cause aforesaid, (to wit) because upon Invitation of men in *Military Power*, they have not gone out themselves, nor sent men in Arms, to do that Service which they have by their Officers been Commanded unto, as hereafter more at large is signified; and that all the World may know, such Persons so refusing to go out, are not *wilful and obstinate*, and have so refused, as Persons wholly *unreasonable and contemning Authority*, upon peevishness, and their own wilfulness, &c. with which calumnies in many cases they are traduced; Therefore here are some *Reasons* amongst many that may be given in the case, presented to the World for their so *refusal*, and because of which some suffers in Bonds this present time.

First, *Because it is contrary to the very Law of Nature* (as the case standeth in this City) for the very work of the Train Bands in this City of late have been to *Beat, Abuse, Knock down, Imprison and Persecute us*; and this have they done, and been commanded to do by their Officers, which shews the Truth of the Reason; for every man *by the Law of Nature* is bound to preserve himself and his own life from mischief and destruction; and it is absolutely contrary to the very Law, for a man to destroy himself, or be *accessary* thereunto, by himself or by any other; It is against the *Law of Nature and Reason*, for men to be any way helpful, *to beat, and imprison, and knock down, and persecute themselves*; And so is this very Case, if any of us should go out or send a man on this occasion, it were to aid and assist, and endeavour (if not personally to act with our hands) to *hale to prison, or to beat and persecute, it may be, kill our selves or our Friends*; and so to be *Helpful and Accessary* to our own suffering, if it were to *death*; and this the very *Law of Nature* restrains us from, and we cannot do it, for it is natural to mankind, and to every Creature, to be helpful to preserve it self; and contrary to nature, to be a means by it self (wittingly and willingly) of its own *destruction*, no man may in reason rise up against himself to his own death, which is the case; so this is one reason taken from the *very Law of Nature* (which enjoyneth to preserve our own lives, and not to destroy our

ſelves nor our Friends and Neighbours, neither by our own hands, nor others through our means; wherefore we refuſe to go or ſend out men in Arms on that occaſion.

2. *It is contrary to all equity and reaſon* to be put upon us, and expected from us (as we are Inhabitants of this City) Inaſmuch as we are *daily a ſuffering and perſecuted people*, and *commonly reputed* (*though falſly*) as the very enemies of the Peace and good of the Land; and upon that pretended Reaſon, daily *haled to priſons, indicted as great Malefactors, and fined in great ſums of money, and many hard impoſitions put upon us*; and ſeeing we are thus dealt withal, and reſtrained of *the lawful enjoyments of common Freedom and Liberty, and our rightly due priviledges*, as other inhabitants have, we cannot be permitted our *Freedoms and Priviledges in our callings, and to follow our employments*, as we are men, nor yet our *liberties as Chriſtians, in the exerciſe of our Chriſtians duties, according to the perſwaſions of our Conſciences, and example of Scriptures*, but are impriſoned and perſecuted, and all our rights (both as we are men and Chriſtians) *violated, and taken from us*; Seing it is thus, how can it in common equity and reaſon be *put upon us, or expected from us*, that we ſhould be charged with any ſuch ſervice and duty, or perform the ſame, either in our *perſons* or *eſtates*? there is no equity nor reaſon in it, that men ſhould be charged with a ſervice for the good of the City, as this is profeſſed to be, and yet not permitted to enjoy any portion of the end of ſuch a profeſſed ſervice, but quite the contrary impoſed, and this is our caſe; It is profeſſed that the Trained Bands are raiſed, and goes out for the good and peace of the City, and we are commanded to joyn with them for that good end; and yet we are *debarred* and *reſtrained* of every part of that end, and quite the contrary end is made *our portion*, and therefore it is *unequal and unreaſonable* in our ſelves, as well as in them that expect it from us, that we ſhould joyn in ſuch duty and ſervice, likeas if a perſon ſhould *adventure* to Sea ſuch a ſum of mony in the hand of a *Merchant*, truſting him with the *improvement of it*, for the end to bring in gain, and at the return, the Merchant keeps both *Principle and Produce* from the *Adventurer*,

turer, and not only so, but he makes use of the said mony, to put the man to as much more *needless charge and expences*; Would not all men say it were *contrary to both equity and reason*, that such *Adventurer* should ever *credit* such Merchant more, and much more *unreasonable* that such *Merchant* should put such *Adventurer in Prison*, because he will not give him *credite and trust him with more stock*; This Parable shews the truth of our Case, and proves the truth of both the Reasons aforegoing.

Firſt, *That it is contrary to the Law and Principle of Nature.*

Secondly, *It is contrary to common Equity and Reason* (as the case standeth) for us to go out our selves, or send men on the occasion mentioned, and for these Reasons we do refuse to do it.

Also let it be rightly considered how *unreasonable this thing is* that we should now Suffer for not going forth in Arms, & yet divers of our houses have been searched *for Arms, and taken away from us* where any were found, and we threatned to be sent to Prison, for having *any Arms in our houses*, if but an old Sword, and yet now must Suffer because we will not *keep Arms*, and go out in *a War-like way with them*; Also how unequal it is, that we are sometimes *threatned to persecution*, because we are feared *to fight*, and at other times, *threatned and made to suffer because we will not go out with carnal weapons to fight*; and thus are we made to suffer on the one hand and on the other, and afflictions are our portion on every side, from the men of this Generation, and many are our Troubles, till the Lord deliver us out of them all.

3. *Because we are true Christians, and Redeemed, and Reformed, and Sanctified by the Lord Jesus Christ*, and are men of Peace, and Love, and good Will towards all men, and lives in it, and seeks after it, and are not men for *War, and Strife, and Debate*, but are *Redeemed* out of that Spirit which is in the fall from God, and *delivered* from the working of such works; and now we cannot *war with carnal Weapons our selves, nor uphold it in others*, but do give *witnesse against it*, by such our *refusal* to rise up and go out with

Carnal Weapons, for all such things are in the fall from that estate in which God placed *man in the beginning, and wars and fighting* are in the enmity and Spirit of Iniquity, which is contrary to God, as saith the Apostle, *Wars and fightings do arise from the lust that wars in the members*, Jam. 4. 1. and from that estate of *enmity in the fall*, and out of these works are we *Redeemed and Sanctified by the Lord Jesus Christ*, and do walk in his *Doctrine*, who hath *exhorted us to love our Enemies, to do good for evil, and to reward no man evil for evil; but when we are smitten on the one cheek, to turn the other, and to be reconciled with our Neighbours*; these and many such exhortations we have in the Scriptures to the true Christians, which we desire to be found walking in; and therefore we do deny to go out with *Carnal Weapons to war against any*, much lesse against our *own selves and our Friends* as this case is, as before is shewed; And we are come to the Spirit of Christ Jesus, and to the *Son-ship to be heirs of God, and Joynt-heirs with Jesus Christ*: Which State is greater then the State of the Kings of *Israel*, who sometimes went out to war, and were *Righteous men, and justified of God in so doing*, yet that State was short of the State of *Christ*, who was the Heir of God, to which *State* in measure we are come, and so are *Redeemed from wars and fightings with Carnal Weapons*; not onely in their worst State, but in the best Estate of such *Wars*, not onely in an evil and wrongful quarrel we cannot war, but in the best kind of *quarrel*, we refuse out of Conscience, *to war our selves*, or to send others for us, *to war with Carnal weapons*, and that because we *are true Christians, and believes in Christ Jesus*, and abides in his Doctrine, and loves peace with all men, and can do good to them that hate us, and are come to the end of wars, and would have mens lives saved and not destroyed, and are of the Spirit of Christ Jesus which warred with Spiritual Weapons against the evil lusts and evil affections within, and against that spirit of transgression in mens hearts, that he might kill and destroy that Spirit, and save the Bodies and Souls alive; and such war do we make this day with the Weapons of the Spirit of God, that sin may be slain, and unrighteousnesse destroyed in mens hearts, and that Body and Soul may live;

but

but other kind of war we cannot make for the Reasons aforesaid, therefore we are excusable in the sight of the Lord, in refusing to go out with *carnal Weapons*, though yet we suffer *Imprisonment*, and are *persecuted* because of the same.

If from hence it be Objected by any, *That this principle and practise of denying to fight at all*, is *dangerous and of evil consequence*; and if all were of this *principle and practise*, then we might be *exposed to ruine and destruction by other Nations*, who would come upon us and take our *Country from us, and enslave us*, and all this while we deny *to fight against them*, and will not defend our selves by the *use of carnal Weapons*, &c.

To which I answer; 1. If all the People in the Land were of this *Principle and Practise, to deny to fight, or rise up with Carnal Weapons at all*; this would prevent all *Insurrections* at home in our own Land, and all the Fears thereof would be *wholly removed*, and without doubt we should be in *Peace*, and no occasion of Fears of *Wars among our selves in our Country*; and if all the People of the Land were of this *Principle and Practise*, this good Consequence would naturally follow; we should be in perfect Peace in our own Nation, and without all Doubts or Fears of the contrary: But,

2. And if this same *Spirit, and Principle, and Practise* were in all things *believed and obeyed* by all People, such would be the vertue of the *effect of it*, in the *peace, and love, and comfortable union and fellowship that would flow forth among all people in our Land* by such Spirit and Principle, and also to other Peoples through the World, that occasion would not be *administred to any other Nations, to invade or destroy us by rising up against us*; but such would be the vertue of such a *Government*, wherein *perfect peace* were among the People in obedience to that Principle and Spirit, that all the Earth would be engaged towards such *a Government in love and obedience, and would fear and tremble before the Lord to offend it*; yea, such would be the *Majesty and Power of the Lord God* for such his People, and would so appear for them against their enemies, his People onely trusting in his *power and arm of strength*,

ſtrength, renouncing all the Confidence in the *arm of Fleſh*; the God of Heaven would appear for them in his Salvation round about them *ſpiritual and temporal*; If (I ſay) men were all come to the *Principle and Practiſe of Righteouſneſſe and Truth, of Juſtice and Mercy, and to renounce all the contrary, and could deny all carnal Weapons*, and would truſt the Lord onely to defend them, and would in all things rely upon him, ſuch a People would be happy and bleſſed among themſelves, and alſo a *happineſſe to all the World*, and *a joy and yet a terror to all Nations*; and the God of Heaven would defend them in all their wayes, from the Fury and Wrath of the Wicked; and if the Lord were wholly *truſted to, and depended upon by all people*, his *eternal power* would be ſeen alwayes in preſerving of them, for no man nor People ever yet truſted to the Lord, and was failed in their *hope and confidence*.

3. But to come into the *belief and practiſe of that ſpirit and principle which cleaves onely to the Lord and truſts in him*, and altogether depends upon him for defence and preſervation, and renounceth *carnal Weapons*; this is onely the work of the Lord in mans heart, to beget People into the *belief and obedience of the ſame*, it is God only by his Power and Spirit that muſt bring all men to this eſtate; It cannot be taken upon a Perſon or a People *if they will*, or who may be of this *Principle and Practiſe that will*, this is not the way, it is not thus come by, no man can mould himſelf into ſuch a frame as to *believe and obey God in all things*, and ſo to truſt the Lord *as to renounce carnal Weapons*, but it is he alone that perſwades the Heart and Conſcience into the Faith and Practiſe of this; So we enjoyn no man nor People unto it, we may not *perſwade any man* to lay aſide all Carnal Weapons upon the penalty of damnation, nor bind any ſuch thing upon him with a Curſe, till God perſwade his Heart. And as it was God that wrought the ſame in us, even to deny all *carnal Weapons*, and never to fight more with them, but to truſt the Lord altogether, and that upon the *penalty of damnation*, ſo we leave it to him to work the ſame in others, according to the Counſel of his own Will.

Laſtly, In full Anſwer to the Objection thus, We are *convinced*

vinced in our Conſciences by the Spirit of Chriſt, of the unlawfulneſſe to our ſelves of going out to War with *carnal Weapons* againſt *any man in any caſe*, and we cannot do it but we ſin againſt God, yet we leave all People *to do*, or *not to do* in that Caſe as they are moved and perſwaded by the Spirit of Chriſt Jeſus in their *own hearts*, and may not perſwade any man *to*, or *againſt* this thing contrary to their *own Conſciences*; but as for us, we being Convinced that we ought not to go out *to War with carnal Weapons*, we muſt be obedient to the Lord in this matter, and muſt follow the Lord in his leadings according to the light of Faith which we have received from him, without *reſpect* to what may be the Conſequence of the ſame, we muſt not follow the Lord with reſpect to what effects may follow (as of Peace or Trouble, Joy or Heavineſſe) to our *outward man*, but we muſt be obedient to the Lord *abſolute*, and not meaſure our love and faithfulneſſe, and obedience to him, by either *objected* or *real Conſequences* which may follow; for we muſt, and do truſt the Lord in whatſoever may follow upon our *outward man* for our obedience to him; ſo we are not further careful in any thing what the Lord may do, or ſuffer to be done in any Caſe, only tis our duty to ſtand *in his Counſel*, and to walk *in his Fear*, and to follow *his Teachings*, and then we are certain nothing will come to paſſe as *any Conſequence* thereof, but what will be for our good and the glory of the Lord in the end; for he hath given us hearts to truſt in him, and we do rely upon him for *defence and preſervation* in all caſes, and are made of him to *truſt our ſouls and bodies with him* in our obedience to his Will, commending our ſelves into his hand of power, to *live* or to *die* in our ſubjection to him according to his Heavenly Will; and our Souls do deſire that the ſame *mind and heart were found in all People*, that they would obey him in all things, and truſt in him only, and commit the Conſequence thereof to him; O! then ſhould the day be bleſſed, and the whole Earth made happy, and the People rejoyce in the Salvation of the Eternal God; Then ſhould the Heavens ſing for joy, and the Saints and Angels rejoyce together, when God alone is exalted in the midſt of his People, *and all Faith and Obedience given to him* by all the *Sons of Men*.

The End

THE CONCLUSION.

WE are and have been *a Suffering and persecuted People* by the powers of this World, who have all risen up against us from time to time to destroy us, and have taken *many occasions* against us, and used many wayes and means for that end, but the Lord God everlasting hath hitherto preserved us, and kept us alive in his Name and by his Power, and not only so, but he hath enlarged us and increased us, and made us to grow in *strength*, in *courage*, in *boldnesse*, and in *number also*, through all our *Afflictions*, *Sufferings and Persecutions*; and this is the Lords doings, and it is marvelous in our eyes, that even the same way which our enemies have taken, and thereby thought to destroy us, by that very *way and means* hath the Lord advanced us, and promoted us, *raised us up, and strengthened us, and encreased us*, and this is to his Praise and Glory, that all Flesh and the Wisdom thereof may be confounded, and its purposes turned backward, which is intended against the Lord and his Heritage; we have seen the power of the Lord God often appearing in us and for us, and we are evident Witnesses of his deliverances which he hath wrought, and we cannot but sit down *astonished* in the remembrance of the things which our God hath done for his People in our age.

And though *multitudes* should rise up against us, either in open, actual, furious Opposition, or in more secret Contention by Arguments, or what way else soever to overthrow us, yet we have one *Witnesse* against them all to withstand them, we have one *Testimony* wherewith to oppose them if multitudes should come against us in one day; which *Witnesse* and *Testimony*, in which our Strength and Confidence lyes, is *that of the Spirit of Christ Jesus in our own hearts*, which bears witnesse to us, that *we are the People of the Lord, and he hath chosen us, and he will defend us and preserve us, and be with us unto the end for ever.* And this Witnesse is sufficient for us against multitudes of Enemies, and we cannot fear

whom man can do unto us or against us. because, ye living God is with us and for us.

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A Brief Relation of the Proceedings, &c.

THE First day of the Sessions, being the 11th. of the sixth Moneth, eleven of the People called *Quakers*, were fetched out of Prison, and led before the Judgement Seat at *Old Baley*, and immediately were called by Name, and set to the Bar, and the Indictment was read against them on this wise (viz.) *For being at an unlawful Tumultuous meeting, with force of Arms, to the Disturbance of the Peace of the King, and in contempt to him, and to the terrour of the People, and to the evil example of all others in the like case offending, &c.* And then it was demanded of them particularly to Answer, Guilty or not Guilty; and one answered, that he was taken up in the Street, and not guilty of any part of the Indictment; and another person being called to Answer, demanded a Copy of his Indictment, which was denyed him, except so much money were given for it; And *D. Baker* answered, that he was both innocent and guiltless of the Manner or Tennor of the Indictment, and his innocent Soul and Life did witness against the same; and furthermore he said, That they expected Justice and Equity, and for them to give Righteous Judgement, they being Innocent People; But Alderman *Brown* upon the Bench, mocked with a whining voice, as if it were the sound of a Dog or Cur, and not like a man, especially one that is set to Rule over men, who should be as men of God; and *D. B.* said, It becomes not a Magistrate to scoff or mock at the Prisoners; and *A. B.* denyed, and said he did not mock, but surely he did so, for thereby the Multitude were provoked to lift up their voices in laughter at his Lightness and Folly, in which he sported himself as his manner is, and he said, *D. Baker* did Cant, and such like scoffing words; But he answered, saying, *I spake in the Fear of the Lord, and I would that the same were set up, not onely in the Hearts of the Magistrates, but also in the Hearts*

of all here present this day; And it was demanded of him, whether he were ready to receive his Tryal, and he said, he was ready to receive Justice and Judgement, and they seemed to be displeased at his Reply; and it was put to him by the Court, whether he would be Tryed by a Jury, and he said on this wise; He supposed there were men upon the Bench that might be sufficient to hear and determine the matter without a Jury, as to the Particulars in the Indictment; and they therefore turned him by, and others of the Prisoners did give their answer accordingly, and one said, That he was guilty of what was Truth, and not guilty of the contrary in the Indictment; And the Court said, That if the Prisoners were guilty of one part, they were guilty of the whole; To which was replyed, Not so, for as it was Matter of Conscience to them to bear witness for the Truth, so it was Matter of Conscience to bear witness against the contrary; and it was said peradventure, there might be some words in the Indictment which in themselves might be true; and others of the Prisoners Pleas to the Indictment they accepted of, for not guilty; and others because they did not plead so in their Form and manner of Tearms, they would not allow of their pleas for not guilty. Albeit, one was nothing at all concerned in the matter, being taken up as an innocent man in the street, without the breach of any Law, either of God or Man, and had then suffered more then thirty dayes Imprisonment, and been before the Judgement Seat twice, at two several Sessions, and not tryed, nor his Innocent cause pleaded, nor he set at Liberty, but with many more have been thus taken too and fro, and hurried to Prison and from Prison, to the Judgement Seat, and from Judgement to Prison again, but the Lord God of Judgement will be eased of his Adversaries, & plead the Cause of Innocency, and Recompence Vengeance in his sore displeasure upon the Head of his Enemies in one day; Behold, behold, it hasteneth and cometh to pass.

And so because they could not try them all, they said they would try none of them till next Sessions, and so sent them all to Prison again, but as the Jaylors was hurrying of them away, *D. Baker* spake the words of Christ, saying, *If ye had known what this meaneth, I will have mercy and not sacri-*

ſacrifice, ye would not have condemned the guiltleſs.

And the next Morning he wrote a few Lines to Alderman *Adams*, to the end he might move it to the reſt of the Magiſtrates upon the Bench, that they might be called to a Tryal, ſeeing they had dealt ſo with them the day before; and forthwith the Marſhal of the City was ſent, to demand of them or move them to it, (*viz.*) *If that they would confeſſe to him that they were at a Meeting, and at ſuch a Meeting as was mentioned in the Indictment, they ſhould go and be Tryed, and favoured it maybe, with a ſmall Fine*, he ſaid; But in the Fear and Name of the Living God he was withſtood, and the Priſoners kept out of the ſnare, and they let him know that his Meſſage did tend to ſo much, as if he ſhould come to perſwade innocent men that they were thieves, and confeſs it to him when they were guiltleſs; And he ſaid, *What Anſwer ſhall I return the Court?* After we had debated the Matter, we ſaid again and again, That if we ſhould confeſs that we were not at all at a Meeting, then we ſhould not confeſs to, but deny the Truth; for its true, we were at a Meeting, and it was a Meeting of the Innocent, Harmleſs People of God, to Worſhip Him; But we denyed and witneſſed againſt ſuch a Meeting ſpoken of in the Indictment, of which we were wholly Innocent and Guiltleſs, after this manner we ſpoke to him, and he went his way, ſaying, *Its in vain, then all would be to no purpoſe*, and ſuch like words; and nothing further was done in that matter.

The twelfth day of the Moneth, being the third day of the week, firſt about twenty of the Priſoners were fetched out of *New-gate* by their Keepers, and led to the Seſſions Houſe, where were ſitting on the Bench, the Mayor of the City, Alderman *Adams*, Alderman *Brown*, and Counſellor *Howel*, who ſat Judge at Law of the Court, as Deputy Recorder; And *E. Burroughs* was preſently called by Name to the Bar, with about eight perſons more of them called *Anabaptiſts*; and being ſet at the Bar, the Jury men were called and Sworn, the ſame who had ſerved the day before, and at the ſecond perſon laying his hand upon the Book, *E. B.* moved the Court in theſe words; Deſiring to know what priviledge the Law of the Land allowed the Priſoners in making exceptions againſt the Jury men, this he deſired

to

to know of the Bench he said, because he did not know the particular points of the Law in that case; To which the Deputy Recorder answered, they might make exceptions if they had good reasons for it; but the Persons being strangers to all the Prisoners, they made no exceptions, having no knowledge of the men, and so could not well except against any of them. The Jury been sworn, the several Indictments were read in the Court, E. *Burroughs* the first of all, according as the Prisoners stood Indicted at the Sessions about five weeks before, a Relation of which Proceedings, with the Indictment Verbatim, ye have in our *Second part of the Cry of the Innocent for Justice*, lately published, though for our more orderly manifesting the Truth to the perfect knowledge of all men, tis necessary that we insert again in this place, the said Indictment, which is as followeth, (*viz.*)

LONDON, ss.

THE Jurors for our Lord the King, do present upon their oath, that Edward Burroughs *late of* London, *together with divers other persons to the said Jurors unknown, to the number of a hundred persons, the first day of* June, *in the fourteenth year of the Reign of our Lord King* Charles *the second, of* England, Scotland *and* Ireland, *Defender of the Faith, &c. With Force and Arms, &c. in London, &c. To wit, in the Parish of Saint* Ann *and* Agnes, *in the Ward of* Aldersgate, *London aforesaid, Under pretence of performing Religious Worship, otherwise then by the Laws of this Kingdom of* England, *in this Kingdom is established, Unlawfully and Tumultuously did Gather and Assemble themselves together, to the great Terrour of his Majesties People and to the disturbance of the Peace of our now Lord the King, in contempt of our said Lord the King and his Laws, to the evil Example of all others in the like Case offending, and against the Peace of our Lord the King, his Crown and Dignity, &c.*

This being read by the Clerk, he proceeded to give the Jury their Charge, on this wise, That *whereas the Prisoner at the Bar stood Indicted for an Unlawful and Tumultuous Meeting, under pretence of Worship, contrary to the Law of the Land, as*

in

in the Form of the Indictment they had heard, and had pleaded not guilty of the said Indictment; Therefore according to their Oaths, they were to make true inquiry between our Lord the King, & the Prisoner at the Bar, in the case for which he stood Indicted, and without favour or affection to try the matter, and give their verdict according to their evidence, whether the Prisoner were guilty in Form and Matter as he stood Indicted. This was the sum of the Charge given to the Jury. This being done, *E. Burroughs* in particular was set to the Bar, and three men called by Name for to give evidence (to wit) *William Branch*, *Thomas Glover*, and *Henry Walker*, all of them of the Parish of *Mary Maudlyn's Old Fishstreet*, all of whom took their Oath according to form, *That they should speak the Truth, and nothing but the Truth concerning the matter inquired of them, as God should help them*; And having taken their Oaths, they were bid to look upon the Prisoner, and speak what they could say concerning him as to the matter for which he stood there Indicted; Accordingly the first began to speak on this wise, That whereas he being an Officer in Captain *Coulchester's* Company, was commanded by his Captain on a certain day (being the Sabbath day as he said) to go with three files of Musqueteers to the *Bull* and *Mouth*, where the *Quakers* were met, in Order to break their Meeting as he was commanded; and then and there he found the said people met together, to the number of about three or four hundred, as he might suppose, but justly he could not tell how many, and amongst them this same Mr. *Burroughs* (said he) now at the Bar, this same person was standing upon a place, and speaking amongst them, speaking, yes, Preaching to them in their way, (said he;) and further, he commanded his party to march up the Meeting to the place where this Person (now at the Bar) stood, and he bad him come down and cease speaking, but he would not, but made some resistance; whereupon he commanded his men to pull him down by force, which accordingly they did, and then took him out of the Meeting, and he and his men guarded him to *Pauls* where their main guard was, and he delivered him (this same person now at the Bar) to his Captain, and this I testifie upon my Oath, said he, *&c.* This done, the second person was called to speak what he could say in that

case

case concerning the Prisoner at the Bar; to which he said, he could say to the same purpose that the person before had testified, That whereas he was one of that partie commanded to go to the Bull and Mouth where the *Quakers* were met together, and there they found this same *Edward Burrough* now at the Bar, Preaching amongst the People, and according to command they pulled him down, and took him away to their Captain, and this was all he could say. Then the third evidence was called, and he was asked by the Court what he could say in the Case concerning the Prisoner, his answer was, That he had onely to say what the other two before him had said; That whereas he was one of the party of Souldiers commanded to go to the *Quakers* Meeting, and there was this man (now at the Bar) standing up and Preaching amongst them, and they pulled him down, and took him away to their Captain, and he had no more to say; Thus the evidences gave witness, and this was the sum of what was said by them all. Then the Deputy Recorder asked of them, if they were certain this Prisoner was the self same man, and how many people they thought were at the Meeting; to which they all answered yes, they were sure this same person was the man, and there might be some hundreds at the Meeting, but how many they could not justly tell.

Then the Court spoke to *E. Burroughs*, and asked him, *What he had to say for himself in this matter he stood there Indicted, and had pleaded not guilty, and he had heard the Witnesses against him, and if he had ought to say he might now speak.* To which he began to speak on this wise, That he was glad he was permitted to speak in defence of his Cause, and he hoped they would fully hear him in what he had to say; He was no Lawyer, and therefore unskilled in the particular points of the Law, and should not take in hand to proceed as such a one, but in as much as God had given him a measure of Reason, and a property of Justice, and a principle of Equity, to discern of different things, he should make use of the same, to defend the Innocency of his Cause, against the Charges falsly laid against him in the Indictment; and therefore he desired their patience to hear ----- but while going on in this Discourse, to moderate the Court,

and

and to prepare their minds for Audience, and that he might come discreetly to the matter; the Judge of the Court stopped him, and interrupted his Speech, and told the Prisoner, *That he must be pertinent and brief, for they had much to do, and could not be held in long discourses.*

To which the Prisoner replyed, his Cause was weighty, and desired time of deliberate hearing, in order to sound Judgement; and he now was to plead on the behalf of his Life and Liberty, for ought he knew, it might prove so; but he should (God willing) be as brief and pertinent in what he should say, as the Case in hand would permit; yet could he not be bound up to so many words, nor to such a moment of time; but now he would proceed to make his exceptions, which was as to the Witnesses, that they were not competent Witnesses, for ------ About this time the *Judge* interrupted again, and asked the Prisoner, *What Countrey man he was*; To which was replyed by the Prisoner, let the Court take notice (said he) how that but a very little before, thou desired me to keep close to the matter, and to be pertinent to the purpose, and now thou hast interposed a question altogether by the businesse, to lead me from the occasion in hand, and as it were, to pervert my speech from what I was going upon, and this is not very fair; at which words the Judge seemed highly displeased, to be so taxed in the Face of the Court by the Prisoner; and told him, *It was not fit for a Prisoner to give such words at the Bar, and the reason why he asked him his Name, was because he had said, he knew not the Laws of* England, *and therefore could not tell whether he was an* English *man, for every* English *man must needs know the Law of the Land*; To which Burroughs replyed, he onely said, he knew not the particular points, or every particular point of the Law, and not that he knew nothing at all of the Laws; and as to his Countrey, he had been for the most part at *London* for this divers years, and did pertain to this City; and desired he might be permitted to go on in his defence of his cause, and to shew his exceptions against the Witnesses, which the Court gave him leave to do: And then he did assert, that the said persons were not competent Witnesses in this Case, and therefore their evidence ought not to be taken against

 him,

him, for they were a party against him, and not indifferent men, and they could not Justly and according to right, be both Party, Prosecutors and Witnesses against him; That they were a party, it was manifest by their own words; in as much as they had testified, they took him so and so, in the capacity of Souldiers, by force of Arms, which was not by due prosecution of the Law of the Land by civil Officers, by Warrant from some Civil Magistrate, or by Constable, &c. And the Prisoner further testified in these Words, That these men who now appeared against him as Witnesses had themselves violated the Law of the Land, and done violence unto the Laws and Government of *England*, in that by force of Arms, and not by due processe at Law, they had seized upon his person, contrary to *Magna Charta*, which saith, *No man shall be taken, or imprisoned, or disseized of his freehold, but by the Law of the Land*; And also the Kings late Proclamation, of the eleventh of *January*, 1660. (which then he held in his hand at the Bar) wholly prohibiting such manner of seizing upon mens persons as he would shew them, by reading the very words of the Proclamation if they would permit him; and therefore, in as much as these three Persons now witnesses against him; had done thus contrary to the Law of the Land, and against the very form and force of the Kings Proclamation, in apprehending and imprisoning of him by force of Arms, by reason of which they were liable to an Action at Law, if he pleased to bring it against them, for such their illegal seizing upon him, and this both the Court and Witnesses themselves knew might be done, and therefore to Justifie themselves in such their unjust Action, and to save themselves from what danger they were liable to for the same; they did now come witnesses against him, and their now giving Testimony against him was to their own advantage, and to justifie themselves in wrong doing, and to preserve themselves from that danger which might justly come upon them; And upon this reason he did except against them as not indifferent men, nor competent Witnesses against him in this Case,---- Hereabout the Judge spoke to him, and told him this was not to the business, and he must be short, for they would not suffer him to make such a flourish before them, nor to Preach and Prate to them

them in the Court, and he must prove, *That these men had seized upon him contrary to Law*; to this purpose he spoke, and seem'd to be much offended at what the *Prisoner* had spoken.

To which *E. Burroughs* again replyed, That these three persons themselves had out of their own mouths proved what he said, they had told the Court, how they were sent in files of Armed men, and how they seized upon him by force thereof, and led him away Prisoner; and they had neither lawful Warrant from any Justice of the Peace, neither was there any Constable came with them, which he did assert was an illegal apprehending of him, and contrary to *Magna Charta*, and he would but read the words of the Kings Proclamation to them (which he still held in his hand for that purpose) and that would make it more plain, &c. Hereabout the Court stopped him again, and denyed him Liberty to read the Proclamation, saying, that was nothing to the purpose, and the Judge said, *He should not over-rule the Court, and do not ye see* (said he) *how he flourishes, and he would delude all the people, take him away Gaoler, he must not be suffered to speak thus*; Then some attempt was to take him away by force, but it was not then done; But the Prisoner kept close to his matter still, telling the Court and Jury, that these men were not fit persons to witnesse against him, in as much as they had so unjustly and illegally taken him, &c. without any warrant from any Justice of the peace, or due process of the Law of the Land, &c. Hereupon Alderman *Brown* stood up, and said, *He would justifie their taking of him, and some say, he was heard to say on the Bench, he sent them to the Meeting to take him, and it was lawful enough*, &c. And Alderman *Adams* said, that seeing Sir *Richard Brown* had sent him to Prison, and sent his men to take him, it was Lawful; for, Sir *Richard Brown* was a Justice of the Peace; To which the Prisoner replyed, That though Alderman *Brown* was a Justice of the Peace, yet in the capacitie of Major General of the City Regiments, he sent his Officers and Souldiers to take Friends at their Meetings, and not in the place as he was a Civil Magistrate, for then he might and should have sent his Constables, or such Persons, by Warrant under his hand, and not rude Souldiers in such a war like posture; and therefore his be-

ing apprehended by these persons that had witnessed against him in the capacity of Souldiers, still made it appear, they were not competent witnesses in this Case against him, for they were a party, and violaters of the Law themselves, &c. Here again the Court interrupted him, and the Judge told him, *That their evidence was good enough, and that if they had wronged him, he had his liberty of the Law against them, and might do what he would in that case, but their evidence the Jury might take*; To which was replyed again by the Prisoner, that if their evidence was taken, and he thereupon brought in guilty, and so condemned, and upon that cast into close Prison there remaining, how should he be capable to help himself in any prosecution of the said men, if he had a purpose thereunto, and also the Judgement of the Court against him upon their evidence, would justifie them in what violence they had done against him, and therefore now only was the time for him to except against the insufficiency of the men and their evidence, or else never; And therefore he desired the Court and Jury to consider the matter well ere they determined it, and also affirmed that he had Law and Reason and Truth of his side, and if they brought him in guilty it was not justly done, ... Here again the Judge interupted and said, *He was not to be suffered to prate in that manner at the Bar, and cryed take him away, we will not hear him; and he would delude all the People, and he should not over-rule the Court, &c.* And hereupon he was taken by force from the Bar, and then he cryed out he should appeal to the Mayor of *London* for fair dealing in his Tryal; and will not the Court hear, will they not hear me in defence of Truth? whereupon the Mayor stood up, and called to *E. Burroughs, and desired him to speak moderately and not offend the Court*; To which he made answer, he was never yet reputed an immoderate person, and he spoke as moderately as his Cause would permit, and desired not to offend any; now the reason of the Court being offended, was at the manner of the Prisoners discourse; which was with a force over them undauntedly and confidently, and so boldly as if he had not been in the capacity of a Prisoner at a Bar, and sometime acting with his hands stretched out, and his arms abroad, appealing to the whole people to justifie the truth

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of what he ſpoke, and tis ſuppoſed that for ſuch cauſe, the Judge and Court took offence at him, for they ſaid often, he was peremptory, and ſuch like.

But after a little ſtop, the Priſoner began to ſpeak to the matter again, ſtill urging the Court and Jury, that the Witneſſes were altogether inſufficient perſons, and told them, he would once more lay it before them, and then leave it to their conſiderations; Then the Judge interrupted, and ſaid on this wiſe, telling the Priſoner that he had nothing to ſay, but to theſe two things; Firſt, *Whether he could prove by Witneſſes upon Oath, that he was at any other place that day and time mentioned in the Indictment, if he could do this, his Witneſſes ſhould be heard; Or ſecondly, If he was at that Meeting, then to ſhew ſome lawful Warrant, by the Authority of the Land, for his ſo being, if he could do either of theſe, it would be heard, and might avail him, elſe he had nothing to ſay, and the Court would hear no other matter.*

To which E. *Burroughs* replyed, He ſhould now ceaſe his Plea of the inſufficiency of the Witneſſes, and leave what he had ſaid to the Jury, and commit it to their Conſciences, and alſo ſhould now proceed to the Matter contained in the Indictment, for he had not yet ſpoken to that, and he had much to ſay, to ſhew the falſity of almoſt every line in it, and he had a Copy of it there in his hand for that purpoſe, to plead to it; And firſt of all he ſhould move this to the Jury, as to ſtate the point directly to them, whereupon the iſſue of the Caſe lyeth, as thus; The Caſe to be ſought into and determined by the Jury is not (ſaith he) whether I was at a Meeting at all; but whether I was at ſuch a Meeting for which I now ſtand indicted (that is to ſay) *Such a Tumultuous, Riotous Meeting, by force of Arms*, &c. This is the point determinable, for (ſaid he) I confeſs in my judgement, I own this Practiſe of Meeting together for the Worſhip of God, and I my ſelf have been at hundreds of ſuch Meetings, ------ To which *Richard Brown* quickly replyed, *So ſhall you never be at any more*; but ſaid the Priſoner, I never was in all my dayes at any ſuch Meeting as is mentioned in the Indictment, and for which I am now upon my Tryal, and therefore (ſaid he) I deſire that the Jury would obſerve this very thing; and in Conſcience upon their

Oaths

Oaths Judge upon this point, whether they find not whether I was at a Meeting, but whether I was at such a Meeting for which I now stand upon my Tryal, specified in my Indictment; and this I shall leave with the Jury, said the Prisoner.

To which the Judge replyed, That he had said lately, he knew not the Points of the Law, but now he had found out a strange Point; but it should do him no good, for the issue lay not there, but if he was at a Meeting, it was sufficient; and *Richard Brown* also said the same; and therefore said the Judge, If ye have any thing as to the two particulars I have mentioned, ye shall be heard, but nothing else will we hear.

After a little stop, *E. Burroughs* spoke again to the Court, and told them, That this common Law (which they had said was not written) but lay in the Breasts of the Judges (this was said both then and the Sessions before) he was not well knowing in, neither the extent of it, nor the penalties of it; but the Parliament had lately made a Law in particular on purpose against Meetings, and it might be supposed that their intent was by that Law, to abate the force of all other Laws, which might any wayes take hold upon any for Meeting together; and the occasion of that Law lately made was on this wise; The King at and since his late coming into the Land, had made divers promises to us for the toleration and allowance of Liberty of Conscience, which promises they might expect the fulfilling of, ------ Here the Judge again interrupted and told him, He should not be permitted to speak on that wise, nor to over-rule the Court, and they could have no longer patience; and he spoke somewhat to the Jury, telling them, they had heard the Witnesses against the Prisoner, and they might proceed; and cryed, *Take him away Goaler*, which accordingly was done, and they pulled and haled him by force from the Bar, though the Prisoner kept on speaking, and desired that the Court would hear him yet a little further, for he had not done, and he should offer both Law and Reason against the Indictment, and he supposed it was his right by the Law, to speak the last words to the Jury (in the mean time of this Discourse, the Keepers were haling of him

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from the Bar) and it was a hard matter (said he) not to be permitted to speak for himself in his Cause, now when his Liberty was at the stake, and his Life too it might be, for Alderman *Brown* had threatned him so and so as they had heard, and he knew not but that it was to destroy him, and therefore of right he claimed liberty to plead his Cause to the Jury, who were his onely Judges in matter of Fact, and not the Court, &c. At which the Court seemed offended; but by this time the Prisoner was haled quite away from the Court, and set by, and not suffered to speak one word more to them in defence of his Cause.

Then next of all were set to the Bar some persons more of them People called *Anabaptists*, and their Indictment was read to the Jury, and a Person was called to Evidence against them, who testified upon Oath, that the Persons there Prisoners at the Bar, were at such a day and in such a place met together, and he was one of the Party sent to apprehend them, which accordingly was done, and these were the very Persons; and this was the sum of the Evidence given against them. Then they were asked one by one, what they had to say for themselves? To which one of them answered, He had little to say but what had been said by the person last at the Bar; and he for his part saw that they would not hear Reason, and he thought they were purposed already to do what they would, whatsoever could be said; which the Court took as some reflection upon them, though by the effect it was proved true, That they intended to keep them in Prison, whatsoever their Cause should appear to be in the Trial: Another of them answered, As for meeting together to Worship God, it was his judgement so to do; yet their Meetings were peaceable, and not unlawful nor tumultuous; and to this purpose most of them answered, onely one Person told the Court, he confessed he *was at their peaceable Meeting, and it was his judgement and Conscience to meet together among his Friends separate from that Publick way of Idolatrous Worship set up*; at which words the Court took great notice, and was much offended, and Alderman *Brown* cryed to the Goalers, Take him away and lay him up, for he shall be cryed for his life for those words; they are seditious words, and he shall be cryed for

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his life for them; and the Court cryed, Take him away, which accordingly was done, and he sent into the Court again; This is the substance of what is remembred concerning them, onely they pleaded much there was but one Witnesse against them, as they ought not to be Condemned by one Witnesse; and thus much shall suffice, for 'tis supposed some of themselves may make a more exact Relation of the particulars concerning themselves.

The Court and Jury having heard their Defence, or at least a little of what they had to say for themselves; they were set by; and 9 more were called about twelve Persons more of the People called *Quakers*, and set to the Bar, and their Indictments read to the Jury; Then a Person was called to give Evidence, who when he had sworn, said, I am now upon my Oath, and do testifie that I saw all these persons at a Meeting at a House in Tower-street on such a day, we being sent (said he) by our Captain to that place, a party of Musqueteers went to that House, and we found them met together, and one Preaching among them, and we seized upon them and brought them away, and these are the Persons, and this is all that I can say, said the witnesse; Then the Judge said he must mention in particular by pointing at each man in particular, and say that he saw him there; to which the Witnesse said, he had their Names in a Paper, and he would look upon that, for he might not know all their Faces, and these mens Names he thought he had there, and looking upon his Paper, he said, The 27th day of *May* these persons were taken out of a Meeting, and he himself was one that took them, *&c.* Upon which one of the Prisoners, an antient man, *Robert Craven* by name, looked upon the Witnesse, and asked him in these words, *Did thou see me there at that Meeting?* and the Witnesse being a little struck in his Conscience, said Nay, I did not see you there, though before he had said upon Oath he saw them all there: Also one *William Nowell* asked him also if he saw him there that day; and the Witnesse said Nay, he did not see him there; yet presently afterwards said he did see him there; which put a damp upon the Court, perceiving the Witnesse so to contradict himself, in saying and unsaying, and stammering as he did very confusedly; and the Auditors

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hiſſed at him, and ſome whiſpered *ſhame that ſuch a mans Evidence ſhould be taken againſt honeſt men.* And another of the Priſoners moved the Court to take notice of the falſeneſſe of the Evidence in this particular, whereas he had ſaid it was the 27th day of *May* that the Meeting was at which they were taken, and the Indictment ſignified the 25th day of the Month, and here was a contradiction between the Indictment and the Evidence, and deſired the Court and Jury that they would take notice of it; To which the Judge replied, ſpeaking to the Jury, There was ſeemingly ſome colour of Exception againſt the Witneſſe to make void his Evidence from that mans Exception, yet there was little in it for them to take notice of, for if it was the five and twentieth day of the Month as ſpecified in the Indictment, then it muſt needs be the ſeven and twentieth day, for the Law (ſaid he) ſuppoſes the Fact to be done the 25 day, and every day ſince, and ſo the 27th day; and thus the Judge of the Court (*viz.*) the Deputy Recorder in divers other words to this effect, ſeemed to juſtifie the Evidence that was ſo falſe and contradictory and unſound, as was manifeſtly apparent to the whole Company that were then preſent, who did many of them well obſerve how Juſtice and true Judgment were turned backward, and Truth and Equity could not enter, but whatſoever poor mens Caſe appeared to be in Trial, and how innocent ſoever they were found, yet it appeared the Court was reſolved to go on againſt the Priſoners, and to ſend all back to Priſon again.

Another of the Priſoners being asked by the Court what he had to ſay? He anſwered, that the Witneſſe had ſworn falſly, 1. In that he had ſaid he ſaw all the Perſons named in the Indictment at that Meeting. 2. After he had ſo ſaid upon his Oath, yet he confeſſed that two of them he ſaw not there. 3. In that he had ſaid there was one Preaching among them when they were taken in the Meeting, this was a Lye. The Mayor ſpoke to the Priſoner, and bad him Confeſſe he was at the Meeting, and he ſhould be dealt favourably withal: To which the Priſoner replyed, I am not guilty of being at ſuch a Meeting as is mentioned in the Indictment, but meeting together in the fear of God for his

Worſhip, I own and am content to ſuffer for, if it be the loſſe of my natural life; but the Witneſſe (ſaid the Priſoner) hath ſworn falſly, and he that will ſwear will lye, according to the proverb; and he bad the Jury do in the caſe with him, as they would be done unto.

Another of the Priſoners looked upon the perſon, who Witneſſed againſt them, and he asked him, Art thou ſure thou ſaw me at the day and place at that Meeting; The witneſſe anſwered, Yes, I am ſure I ſaw you there; and ſaid the Priſoner again to him, And didſt not thou then ſee alſo how *Richard Brown* did beat me, and kick me, and ſtrike me under the Chin when I was before him at his Houſe the ſame time I was ſent to priſon, which was a ſhame to any Magiſtrate to do ſo with any if never ſo great a malefactor; Well, but ſaid the Priſoner further, *I confeſſe* (ſaid he) *I was at that Meeting, as my duty to God it was ſo to be; and I am perſwaded the time will come, and that I ſhall live to ſee it with theſe ſame bodily eyes, that we ſhall meet together at that place, when you will not be there to diſturbe us.* At which words the Court ſeemed not to take much notice, onely the Judge told the Priſoners, and partly directing his ſpeech alſo to the Jury, That there was nothing to be ſaid by the Priſoners, that the Court or Jury could regard, as matter of weight on the Priſoners behalf, ſaving the two things before-mentioned, (to wit) Firſt, Whether they could prove by good evidence, that they were at any other place that day and time mentioned in the Indictment, if this could be done, they ſhould be heard. Or, Secondly, if they were ſo met together, then to ſhew ſome lawful warrant for ſo doing, by the Authority of the Land; to either of theſe two things they ſhould be heard, elſe not to ſay any more, for they would not hear them; to which ſome of the Priſoners began to ſay ſomewhat, but were not permitted by the Court, and then the Goalers took them away and ſet that Company by.

Then was called to the Bar about 8 or 10 Perſons more of them called *Anabaptiſts*, and their Indictments were read to the Jury, and a Perſon called and Sworn to give Evidence againſt them; who gave his witneſſe on this wiſe, That whereas he was Commanded by his Captain to go with

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with a party of men to *Beech-lane*, where they were informed these People were met together; accordingly he and his Party marched to that place, where he found these Persons now at the Bar in a Meeting, and such a one of them Preaching, and he and his Souldiers did take these men out of the Meeting, and brought them away to the Guard; and this was the summe of his Evidence: Then the Prisoners were asked by the Court, what they had to say for themselves. To which some answered, the Indictment was false every line of it, and as many lies in it as lines, which the Court seemed offended at; Another of them said, that for his part he saw it was to no purpose to say any thing, for they would not hear Reason, and therefore he should be silent; Another said, That whereas it was said in the Indictment, they were met together by force and Arms, This was false, for they were neither in force nor arms, to which the Judge replyed on this wise, *That was onely matter of form in Law*, in that it was said, *by force and Arms*, and the Law supposed, that whatsoever act or thing was done contrary to the Law of the Land, it must be concluded by the Judges of the Law, that that Act and thing was done by force and Arms, because contrary to the Law; Thus the Deputy Recorder *Howel*, the present Judge of the Court, spoke to satisfie the Jury, as if that notwithstanding every word in the Indictment was not absolute true in the plainest sence, yet one way or other by such glos and interpretation it might stand true; but how this could satisfie the Jury-mens Consciences, I know nor, for I perfectly observed, that the charge to the Jury was in these words, *to make true enquiry whether the Prisoners were guilty in form and matter of the Indictment*; but in the proceedings, the *form* is made nothing; for *Richard Brown* divers times said, If they were at a Meeting, if this was proved it was enough; and it appeared to be the Judgement of the Court also, that if the Prisoners were proved to be at a Meeting, and a Meeting under pretence of the Worship of God, whether such Meeting was peaceable or with force of Arms, it was not material; if they were Meetings either under pretence or really for the *Worship of God*; Tavern Meetings, and Play-House Meetings, and Whore-House Meetings were not In-

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ditable, at least no mention was made against the evil of such Meetings at that time, but onely where they met under pretence of the Worship of God; if so, and that this was seemingly proved, it was enough for the Jury to find guilty, and the Court to Sentence; Well, but to return again to the present matter, The Judge spoke to the Witness, and asked him if he was sure that these were the persons that were taken at the Meeting, and he might point to them particularly, and say, *He saw this man, and this man there*; To which the Witness replyed to the Mayor and Court, My Lord (said he) I do not remember the faces of all of them, nor do I know them by Faces, but I have a list of these mens names, (and looked upon it) said, these mens names I have which were taken at that Meeting, &c. The Court made a little stop, thinking this was not a very perfect evidence, and many people were seen to wag their heads in contempt of such doings, and that such evidence should passe; for it may be truly considered, that though he had such Names in a list, yet there are many and divers men in this great City of one and the same name, and what evidence could that be against persons whose faces he did not know nor remember, as himself said, let honest men judge in the Fear of the Lord; Well, but the Prisoners excepted against the Witness, and because but one Witness; mentioning that Text, some of them, *that under the mouth of two or three Witnesses every thing should be established*, much objecting against the insufficiency of one Witness, but that had no entertainment with them, onely the Deputy Recorder, spoke to them, as he had done to others before them, *That* they had nothing to say, saving to the two things before mentioned; First, *Whether they could prove they were at any other place that day, and not at that Meeting for which they stood Indicted*; Or Secondly, *If they were at that Meeting, then what Warrant by the Authority of the Land they could shew for their so Assembling together*; *If they could say any thing on this behalf, they should be heard.*

To which one of the Prisoners replyed to this purpose, that the King had promised Liberty to tender Consciences, and to him in particular he did promise at such a time that they should have their Meetings quietly, if they would live peaceably; The Court took little notice of what he said, onely

onely asked if he had any Witneſs of it, the Priſoner then ſaid, not preſent here, but mentioned one of the *Howards*, that was then preſent with the *King* when ſuch promiſe was made; and alſo the Priſoner ſaid, 'Tis a general Maxim concerning the Law, *That no man whatſoever can diſpence with any Law of God, nor no Authority ought to command any thing, contrary to the Law of God*, and I am ſure (ſaid he) our Meetings are according to the Law of God, and deſired to ask the Court a queſtion, and they gave him liberty. I deſire to know (ſaid he) whether the Laws of *England*, be *contrary or according to the Laws of God*. The Judge anſwered, That the Laws of *England* were according to the Laws of God, God forbid elſe (ſaid he.) To which the Priſoner replyed, Well then (ſaid he) If the Laws of this Land be according to the Laws of God, as ye ſay they are, then we have ſufficient Warrant for our Meetings, from the Laws of the Land, becauſe our Meetings are according to the Laws of God, and juſtified thereby; and being warranted by the Law of God, we are Warranted by the Law of the Land alſo, if they are agreeable, and not contrary one to the other, as ye ſay; And ſaid he, ye may read in the Scripture, that the Apoſtles *met together in an upper Chamber, both men and women; and at another time were met together, to the number of* 120. *perſons.* ------ Hereabout the Court ſtopped his Diſcourſe, and would not ſuffer him further, and told him, That was in the infancy of the Goſpel, and the Rulers were then Heathen, and perſecuted the Chriſtians, *&c.* Not much more the Priſoners were ſuffered to ſay that is now remembred, but all taken away from the Bar, and the Judge ſpoke to the Jury on this wiſe, That they had heard the Matter, both what the evidence could ſay, and alſo what the Priſoners had ſaid, and now they might proceed; and the Jury aroſe up off their Seats, and went out to ſeek their Verdict, and as they were a going, E. *Burroughs* ſpoke to them, and told them, he hoped they would be more juſt, then to paſſe upon him, and not hear him firſt to the utmoſt of what he had to ſay, as they knew he was not permitted to ſpeak for him ſelf, what he would have done in defence of his Cauſe.

Well, the Jury ſtaid out about half an hour, and returned

to

to their Seats at the Bar; and the Clerk asked them if they were all agreed? they said, *Yes*; He asked them who should speak for them? they said, their Fore-man; Then the Prisoners were called by name, E. *Burroughs* the first, and set to the Bar, and the Clerk bad the Jury look upon the Prisoner, and give their Verdict, whether he was guilty or not guilty of the Fact whereof he stood Indicted. The Fore-man answered, *Guilty*. Thus they did by all the rest, and every man was returned Guilty by the Jury, save *Rob. Craven* and *W. Newil*, about whom the Witnesse made such a stammering contradiction, as before ye have heard; and one of the Prisoners at the Bar, when the Jury pronounced him guilty, he made answer in these words, *I would not (said he) for a hundred pounds, but be found guilty of Meeting together to Worship God.* When the Jury had pronounced the Prisoners guilty (in the very time of doing it, came Sir *Orlando Bridgeman* on to the Bench, and sat down) E B. spoke to the Court, Saying, He desired to know the Names and places of the Jury-men, and of the three persons who had given evidence against him; and he desired them three might be there the afternoon, and he should prove them false Swearers, as he could have done in divers particulars. And also spoke aloud to the Court, That he should appeal to Judge *Orlando Bridgman* for better-Justice, and should move him and the Court the afternoon in arrest of judgement, for he would have the matter heard over again.

And he spoke to divers of the Jury-men, telling them, They had done injustly, and while he had a Tongue to speak and a Hand to write, he should not spare to shew their unequal proceedings, who had condemned him, and not heard him to the utmost. It was observed by a Person in the Court, after all the Prisoners were gone, that some of the Jury spoke to the Court as they were passing away, that E. *Burroughs* had threatned them; *What should they do?* Answer was made to them, Do not heed what he saith, for we will stand by you, and more words to the same effect, which the Informer could not well hear nor remember; and what may be judged of this by wise men, but that there was an agreement between the Court and Jury against the Prisoner.

The

The Court immediately adjourned till after dinner, and all the Prisoners were led and driven back to *Newgate* again

The Afternoon of that day none of the same Prisoners were had down to the Sessions, but some others were of the same People, in order to Trial; and some were tryed, and others were called over, but no man appeared as to Accuse them, nor Witnesse against them; so the particulars that passed in the Court that afternoon, we have not yet had a Relation of, and so in this place must passe it, and passe on to the proceedings of the Court the next day, which was as follows.

In the Morning early, all the said Prisoners that had been Tried the day before were had down to the Court, and also Four Women that had been taken at the *Bull and Mouth* about a Week before, who were the first Called, and their Indictments read for being at an unlawful and tumultuous Meeting, *&c.* as they say; and it was demanded of them, Guilty or not Guilty? to which the Prisoners pleaded after some few words betwixt them and the Court, Not Guilty; then they were set by. Next was Called *E. Burroughs* and set to the Bar, and so after him every man by Name was called and set to the Bar that had been tried the day before; and the Clerk of the Court read a Paper, which pronounced every man *Fined so much*, some more and some lesse as the pleasure of the Court was; when they had read all over each man fined so much, and to lye in Prison till payment.

E. Burroughs spoke to the Court, and told them, He had not heard his Sentence; the Clerk told him over again, he was *fined one hundred Marks, and must lye in Prison till payment.* To which he Replied again, he looked upon this way of passing Sentance, not to be just, nor yet according to their own Custome; for he expected they would have asked him (according to their usual manner in that case) what he had to say for himself, why Judgment should not passe, for he had much to say on that kind, and bad the Court remember that yesterday he moved them and *Orlando Bridgman*, one of the chief Judges of the Land, in arrest of Judgment, and did now again move the same, and that

Judg-

Judgment might be ſtaid for a time, till the next Seſſions, or if they would not give him time till then, then but till the afternoon, he deſired to arreſt Judgment, and in that time he would produce divers Statutes contrary to the Form of which theſe proceedings towards him were; He ſaid he was no *Lawyer*, and therefore could not now nominate to them the particular *Chapters of the Statutes* which he deſired to inſiſt upon, and therefore deſired time till the next Seſſions, or but till the afternoon. Alderman *Brown* made anſwer and told him he ſhould have time; but the Recorders Deputy (Judge of the Court) told the Priſoner he could not have longer time, they could not admit it: To which *E. B.* replied, If they would not give him time in arreſt of Judgment, then they denied him both Law and Equity; for themſelves knew it was very uſual in many Caſes for Perſons after Verdict given in, to have time allowed them in arreſt of Judgment, and particularly himſelf had once at a certain place a falſe Verdict brought in againſt him, and he did move the Court at that time in arreſt of Judgment, and it was allowed him by Sergeant *Hatten*, who was then Judge of that Court, and he hoped he might have the ſame now.

To which the Judge Replied, He knew Sergeant *Hatten* well, but his practiſe was no example to them, for do you think (ſaid the Judge to the Priſoner) that we can give you time for you to take the Indictment and Conſult with *Lawyers*, and ſeek this occaſion and the other againſt it, this we will not do (ſaid he) but if ye have any matter or point of Law now to move we will hear you, but we ſhall give you no longer time: To which *E. B.* again Replied, Then he ſhould ſay it was a ſurprizal of Judgment, and very hard to be ſo dealt withal, not to have time till the afternoon, that he might give in his Exceptions againſt the falſe Verdict brought in againſt him; and what if he had a mind to Conſult with any *Lawyers* in the Caſe that knew the particular points of Law better then himſelf; why ſhould he not do this, his Fact was not ſo Criminal, nor of ſo large extent, but that the Law would allow him Counſel if he had a mind to uſe it, for if he were Attainted of Treaſon (which his preſent Caſe was not comparable

to)

too) yet in some cases of Treason, he thought the Law would allow Counsel, and therefore he knew not why such exceptions should be made against him, as if he could not be admitted Counsel in his Case, if he had a mind to use it; Hereabouts the Judge interposed, and told him, *He should not be suffered to over-rule the Court*, and (said he) *Ye think to over-rule the Court to day again*; And do not ye see how he flourishes, I tell you (said he) ye must not have time longer; but if ye have any matter now to except upon, we will hear you, or tell us what point ye would insist upon if time were given you. To which *E. B.* Replyed, It was but yesterday since he was Tryed, since which time, he had scarce opportunity throughly to consider and state the Matter, for he was with many more of his Friends, thrust up into such holes, and so thronged together, that he believed they would hardly suffer their dogs to lie as they were forced to lodge, and therefore he desired a little more and better time, to look over the Statute of *Magna Charta* and other Statutes, which he should peruse in the Case; and for one thing first of all, he should insist upon the Matter and manner of his *being Illegally Apprehended, and by force, and not by due process at Law brought to his Tryal*, which by the Laws of the Land ought not to be; and this is clear from *Magna Charta*, said he, which saith, *No man shall be Imprisoned nor dessized of his free-hold, but by the Law of the Land, and if any be apprehended and brought to Tryal, and not by due process at Law it shall be holden for nothing*; The Judge made Answer, he was mistaken, this was not said in *Magna Charta*, though the first part of the words are, but the second part of them for substance, is in a Statute of *Edw.* 3. Further the Judge said, They could not hear him any longer, and they would not give time, and he should not be suffered to prate there, and seeing (said the Judge) you are so peremptory and stubborn, the Court takes notice of you, and thinks good to add upon you this Sentence further; *Ye are also* (if ye do pay your hundred Marks) *to find sufficient sureties for the good behaviour before ye are released*, and take him away Goaler.

Then *E. B.* spoke aloud to the Court, and appealed to the Mayor of *London* by Name, and to Alderman *Adams*,

and Alderman *Brown* by names, is this fair dealing said he, to deny me *Law and Equity at the bar?* and I appeal to you to do me right, and to let me have time, before Judgement be passed, that I may shew you my Reasons grounded upon *the Laws of the land* against the verdict given in against me; and said he, *Alderman Brown* thou hast promised me I shall have longer time, fulfill thy promise to me, what wilt thou go back from thy word on the Bench? Let all take notice, I am *denyed Law and Custome at the bar*, if ye deny me this motion of Arrest of Judgement. Then Alderman *Brown* spoke to him in these words, *This is all ye shall have, and print it (said he) if ye will through the Land*; To which E. B. again replyed, that he was no very great Printer, yet he thought it his duty to publish these things to as many as he could, that all the World may know the Proceedings; in the mean time the Court cryed *take him away, away with them all Gaoler*, and then they began to hale them all away into Prison again; and as they passed away, some of the Prisoners told the Court, *that the Lord would remember them in his day, and render unto them according to their doings, and the hand of the Lord was lifted up, and would deliver his people from all their enemies*, &c.

Here follows divers exceptions for Arrest of Judgement which would have been brought in against the proceedings in E. *Burroughs* Case, if they had allowed him time for to draw them up, and to present them, as sufficient reasons why Judgement ought not to have been passed against him; *but seeing arrest of judgement* was denyed him, and no time permitted him to present his Reasons, therefore they are suitable on this occasion here to be asserted, that all men may see he had *Law, Justice and Truth* of his side, though contrary to the same he was condemned.

EXCEP. I.

Concerning the manner of his Imprisonment, and of the Proceedings.

1 INasmuch as he was *Apprehended and Imprisoned* by force of armed men, and so without due processe of the Law

Law of the Land forced to a Tryal, even contrary thereunto, as may appear by the 29. Chap. *of Magna Charta, no free-man ſhall be taken or impriſoned, or diſeized of his free-hold or liberties, or free cuſtomes, or any other wayes deſtroyed but by the Law of the Land.* Theſe words *the law of the land* are explained by the ſtatute of 37. E. 3. Chap. 8. where the words *by the Law of the Land* are rendred *without due proceſſe of Law*; Alſo ſee the Statutes of 28. E. 3. *Chap.* 3. 42. E. 3. *Chap.* 3. *No man is to be taken or Impriſoned, or be put to anſwer, or brought upon tryall without preſentment before Juſtice, or matter of Record, or by due proceſſe or Writ original according to the old Law of the Land; And if any thing henceforth be done to the contrary, it ſhall be void in Law and holden for errour.* By all which it plainly appears, that the manner of his perſon being ſeized and Impriſoned was contrary to *Magna Charta* and the antient good Law of the Land; And his being indicted and arreigned, and put to anſwer and cauſed to plead, were all contrary to the Law of the Land, and on a wrong foundation as well appears; And ſeeing it is ſo, then good ground and reaſon had he, and fully backed with divers Statutes, to move the Court in Arreſt of Judgement; and that Judgement ſhould not have been paſſed at all upon him, for it was *impoſſible the Judgement could be juſt and true, and according to Law*, when the proceedings in order to Judgement from firſt to laſt, were directly contrary to the Law; and the words of the Law themſelves ſhall judge the Caſe, ſeeing what hath been done from firſt to laſt in his Caſe, is contrary to both meaning and intent and letter of Law, as by the form of divers Statutes is viſibly apparent. *The Judgement given upon him, is void in Law, and holden for errour by the Law, and this is true Judgement.*

Alſo in a Book called the Mirror of Juſtice, *fol.* 138. it is rendred a ſufficient exception not to be brought to Judgement by a right courſe, in theſe words, the Defendant may ſay in exception of Bill or Indictment againſt him, *That he is not bound to anſwer hereunto, foraſmuch as he is not brought to Judgement by a right courſe*, which is the very caſe now in hand, this Priſoner was not brought to Tryal by a right courſe in due Proceſſe of Law, but contrary thereunto, and that was matter of exception in Law againſt the paſſing of

Judgement. To this adde the very words of the Kings late Proclamation of the 17. of the eleventh Month, 1660. The King Commandeth *That no Officers nor Souldiers do presume to apprehend or secure any person or persons, nor to search any houses without a lawful warrant under the hand and seal of one or more of the Lords of the Privy Counsel, or Justices of the Peace in their respective Liberties; and we will that the said warrants be directed to some Constable or other known legal Officer, and we do declare that all those who shall hereafter be so hardy as to offend against this Our Proclamation, shall not onely not receive countenance from us therein, but shall be left to be proceeded against according to Our Laws, and incur Our high displeasure, as persons doing their utmost to bring scandal and contempt upon our Government, &c.* By all which it is apparent, the manner of E. B. his apprehending and imprisoning was contrary to both ancient Law of the Land and late Proclamation of the King; and inasmuch as the Foundation (to wit his imprisonment) of his Tryal, and so of the Judgement, was so false and illegal, and directly contrary to the mind of the King and the form of Law, how was it possible the Judgement should be just, that was laid on such a foundation of proceedings, so illegal; and this was E. B. his case, the manner of his taking and imprisonment (in order to Tryal and Judgement) was illegal, and the Judgement passed upon him in such order and proceedings must therefore needs be illegal also; and he ought to have had an arrest of Judgement not onely for a time but for ever.

EXCP. II.

Concerning the incompetency of the Witnesses.

2. INasmuch as the witnesses against him, (whose evidence was the immediate cause of the Virdict, and so of the Judgement,) were the very persons that had thus *violated the Law of the Land*, and had themselves apprehended him, seized upon him and imprisoned him contrary to the Law, (as in the first Exception is shewed) and because thereof were lyable to an action at Law which might be brought against them for such their seizing upon him, and violence done

done to him. Therefore it muſt needs appear to be injuſt, unreaſonable and contrary to the equity of the Common Law (which is ſaid to be by the Ancients, the Law written in the heart) That the very Perſons, who had ſo violated the Law, even *Magna Charta* it ſelf, in ſuch ſeizing upon him, ſhould be the witneſſes too againſt him, and their evidence taken as the onely evidence in his tryal, upon which virdict, and ſo Judgement was procured upon him; for inaſmuch as what evidence was given againſt him by the ſaid perſons, was to their own advantage, and to juſtifie themſelves in their illegal dealing, and what they ſpoke to the priſoners diſadvantage was to their own profit, which proves ſufficiently that they were not *Competent witneſſes* againſt the priſoner, nor in *Juſtice* and *Equity* could their witneſſe be received againſt him, being the party themſelves againſt him, and fully concerned in the caſe, either to get the Priſoner condemned by their Teſtimony againſt him, that themſelves might be juſtified in the wrong they had done him, or elſe to be left liable to the juſtice of the Law, for their violating of it; and it muſt needs be againſt the very reaſon of the *Common Law of the Land*, (upon which this Tryal was) That parties in unlawful acts of violence againſt a Perſon, ſhould be permitted to be witneſſes in the Proſecution and Tryal againſt the ſame Perſon; this was the very caſe of *E. Burroughs*; wherefore his ground was good to move in arreſt of Judgement, and backed with the reaſon and equity of *the Common Law*; for it is alſo ſaid in the Book called *the Mirror of Juſtice* (a piece approved by the Lawyers of *England*) *fo'.* 251. *It is an abuſe* (or unlawful) *to ſuffer a man that is a companion to be a witneſſe.*

This truly conſidered the witneſſes againſt him were incompetent and inſufficient, alſo beſides the malice and enmity of the men againſt the perſon of the priſoner, which out of envy (or mixed therewith at leaſt) tis poſſible they might give ſuch their evidence, and the Law allows not ſuch mens evidence in Judgement; and that theſe perſons were ſuch men, as ſought the illfare of the priſoner, nothing leſſe doth appear in their tranſactions from firſt to laſt of this buſineſſe; and the Judgement given upon ſuch mens Teſtimony, the caſe throughly conſidered, could not

be

be just Judgement; therefore of right he ought to have had arrest of Judgement.

EXCEP. III.

Concerning the proceedings of Court in time of Tryal.

3. INasmuch as the proceedings in Court against him, were disorderly and not duly in the moderate method of Law prosecution, in this particular of his being debarred and not permitted to speak to the utmost what he had to say in his own defence of his *Cause*, which right was manifestly denied him, by the command of the Court, and action of the Goalers, who did violently hale him from the Bar, and would not hear him, nor suffer him to speak his mind to the utmost, nor to read the Kings Proclamation of the 17. of the 11*th.* Month, 1660. which was pertinent to defend his cause in divers particulars, and he ought to have been heard to the utmost, before the passing of Judgement, according to 28 *Edw* 3 *chap.*3. in these words, *No man is to be imprisoned, disherited or put to death, without being heard what he can say for himself*, which was not granted to the Prisoner, for he was haled away before he had spoken to the particular parts of the Indictment, which he profered to do, and that he would alleage both *Law and Reason* against it, but was *not suffered*; wherefore he had Cause enough *grounded upon Law and Reason, both upon Common and Statute Law*, to move in arrest of Judgement; for in *common Equity* obvious to every mans view, no man can in Justice be sentenced without a full hearing, which was this Prisoners case; nor can the Judgment be just upon any person, who is not heard to the utmost in his own Defence, and therefore an arrest of judgment should have been allowed him.

EXCEP. IIII.

Concerning the Law it self against which it was said, the offence was committed, and by which he was tryed and sentenced.

4 INasmuch as the offence was only for being at a Meeting, and a Meeting *onely in the worship of God*, and nothing said or acted at that Meeting, but what *was good and just*; and all this, *both meeting together and such practise in the Meeting*

Meeting according to the *Law of God, and the Holy Scriptures* and *example* of Saints in former ages; therefore Judgement ought not to have passed against him, but might lawfully be Arrested; and that more especially because tis a general assent by all Christian men, and used as a *maxime among Lawyers* that no Law of God can be *dispensed withall*; and it is said in the *Common Law*, as appears by *Doctor and Student*, Cha. 2. Speaking of the Law written in the heart of every man, *Teaching him what is to be done and what is to be fled, and because it is written in the heart, therefore it may not be put away, nor is it changable by diversity of place or time, and therefore against this Law, Prescription Statute nor Custome may prevail, and if any be brought in against it, they be not prescriptions statutes nor customes, but things void and against Justice, and all Lawes of men ought to be grounded thereupon; and* Cha. 4. *every mans Law must be consonant to the Law of God, and therefore the Laws of Princes, the Commandements of Prelates, the Statutes of Commonalities, are not righteous nor obligatory, but as they are consonant to the Law of God; Also by* Statute Law the same is apparent, 28. *Hen* 8. 7. *Where it is expresly said, that no man of what Estate, Degree or Condition soever he be, hath power to dispence with Gods Laws, as all the Clergie of this Realm, and the most part of the Universities of Christendome, and we also do affirm and think.* These things truly considered, it may appear Judgement ought not to have passed against the Prisoner, in as much as the pretended Law it self, according to which this Tryal and Judgement was given, is contrary to the Law of God, and Condemning such Principle and Practise which are Justified by the *Law of God, Holy Scriptures and Example of Saints* in former Ages, as may at large be proved by the Scriptures of Truth, in the Acts of the Apostles and elsewhere, and the keeping the Law of God, and the practises of Christianity according thereunto by any person, cannot justly be Condemned by any Law of man; and this was the very case of E. B. he was *Apprehended, Tryed and Sentenced* for meeting together with Gods People onely to wait upon and to Worship him, which is according to both the Law of God in the Letter, and to that written in the Heart, and against such practise: So according to the Law of God, *Prescription, Statute, nor Custome*, ought not to

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have prevailed, even the Laws of *Princes*, and Commandments of *Prelates* in such a case, *are void and against Justice, for no man whatsoever can dispence with the Laws of God*, as hath been shewed; wherefore the Prisoner was excusable and justifiable from all Laws of men whatsoever, and ought not to have been Condemned into any Penalty or Imprisonment by that Law, which is contrary to the Law of God; not for his Worships sake, nor for Meeting together to wait upon him in his fear.

Thus it is plain, he had just Ground of Exceptions against Judgment and evident Reasons from both Common Law, and Statute Law, why Judgment should not be passed against him in this Case; 1. *From the manner of his being taken and imprisoned and prosecuted to Trial without due processe of Law, which is held for error, and against Justice by the Law.* 2. *From the incompetency of the Witnesses who were parties concerned in the Case, and what they testified to the prejudice of the Prisoner, was to their own advantage.* 3. *From the proceedings of the Court in time of Tryal, who suffered not the Prisoner to speak in full in his own defence.* 4. *From the Law it self by which he was Tryed and Judged, which Law is proved to be contrary to the Law of God, and therefore the Judgement of that Law ought to have been arrested*; And now last of all in brief, Judgement ought not to have passed against him.

5. Because in common Reason and Equity, Justice cannot condemn a man to any personal suffering, for the exercise of his Conscience to God-wards, in the practise of being Assembled together, onely in and for the Worship of the Living God, according to the very perswasions of the Spirit of God in the heart, and to the example of Scriptures and Primitive Christians; which practice of meeting together was not in its self, nor in its effects, any way disadvantagious, or prejudicial to any person upon earth; I say, *Common Reason and Equity amongst men* cannot with any Face of Justice Condemn any person to any suffering, in such a Case; inasmuch as such supposed offence for so meeting together is not any offence against any man, but against God onely, if it be really an offence, and that because of ignorance or error in Judgment and Conscience, which is onely punishable by the

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the Judgements of God, as pertaining to his Conscience, for such offence against him; and not to be punished by *Temporal Rulers, with Temporal punishments*, because tis a spiritual transgression, and the Spiritual Law of God hath jurisdiction over the offender in such a Case, and not Temporal Courts; This is proveable by the Laws of this Land, as it was ordained in the dayes of *Hen.* 8. by Act of Parliament, when the people were nominally divided into two Bodies, named *Spirituality and Temporality*, and two *Jurisdictions appointed* over the people, respecting the nature and kind of the offences committed, every offence Temporal against man, in wrong dealing between man and man, the cognizance of this was pertaining to the *Temporal Courts* and Judges, to *Hear, Judge and Determine*, and every offence respecting *the Church in point of Faith, Doctrine and Worship*, was pertaining to the Spiritual Courts, to be heard and Judged by their Spiritual Officers and Judges; thus it was in times past in our Nation, as Judged by the Rulers in antient dayes, reasonable and just thus to do; and here fell out a like case, a Person *taken and accused, and brought to Tryal, as an Offender*, for and because of being at a Meeting *in the Worship of God*, which is of Spiritual concernment, a matter of Spiritual Worship and Exercise of Conscience, relating onely to the spirituality in hearing and determination; Yet was this persons Case (though of Spiritual Cognizance and Jurisdiction, and not properly pertaining to Temporality by the very antient Laws of the Land) brought to Tryal, and judged in *Temporal Jurisdiction, and by Temporal Judges*, which had no power properly to meddle of such a Case; and how could that Judgement be just brought forth by *Temporal Judges in a Spiritual Case*, a Case the Judgement of which properly pertained to another *Jurisdiction*; a Judgement passed by such persons in a Case of Conscience, out of whose *Cognizance and Jurisdiction the Case properly was*; *A Temporal Judgement*, given in a *Spiritual Case*; And this was the very Case of *E. B.* wherefore he had all just Ground and Reason to move for Arrest of Judgement, and in Justice, Judgment ought to have been suspended in that Court, and either wholly averted, or else he and his Cause transmitted into another Court, where Court and Judges had been capa-

ble of Hearing and Determining a Spiritual Case; for this is *Common Reason* amongst men, that every reputed Offender have Law and Judges, according to the nature of his offence, and not contrary thereunto; an offence in Matters and Cases Spiritual cannot justly be Tryed and Judged in Courts Temporal, and by men onely Carnal; These exceptions were before me in my view, to have contracted and so presented them to the Court, but not being permitted time for an hour, I was not then capable to present them formally, nor to produce the *Statutes and Authors, to Authorize my exception* to the Court, but since that time I have drawn them up, and do here *offer* them to the view of the World.

E. B.

Here follows the Tryal of Esther Biddle, *and three women more.*

FIrst, They being called by names, and brought before the Bench, where the Clerk read the Indictment, and said, they disturbed the King's Peace, and the Peace of the Nation. *Esther Biddle* said, She had not broken the King's Peace, nor the Peace of the Nation that is good; Then the Judge asked, Whether she was guilty or not guilty; she asked him what evil she had done? then he said, take her away. Then she was taken out of the Court, and she desired the Keeper to let her stand still; He asked her if she would plead; she bid him let her go in again, and she should say what was in her heart. Then the Judge called for her to come up to the Bar, and the Power of the Lord rose in her heart as a fire, and an Hammer, and she said, *Fear the Lord who is Judge of all Judges, and will give you your Reward according to your works.* We are brought hither for Justice, and you are set under God to do justice, *and it is Justice we require.* The Judge said, They should have Justice, and said, Woman, *Your Counsel is good.* He asked if she would plead guilty or not guilty; she said, In the dreadful day of the Lord which is at hand, you shall know who are guilty and not guilty.

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you, or we, of all the Innocent Blood that hath been ſhed. The Judge told her, ſhe was to plead; ſhe told him, If he would ſhew her what evil ſhe had done, ſhe would anſwer to it. He ſaid ſhe was taken in a *Riotous Meeting, and an unlawful Aſſembly* contrary to the Laws of the Nation. She asked him what Religion was uſed in *Olivers* dayes, and in years paſt, and whether our Meetings were contrary to the Laws of the Nation then; and he ſaid no, our Meetings were tollerated, and indeed (ſaid he) all things were common; She asked him, If our Conſciences were to change as the Laws and Governments of the Nation changed; He ſaid, We muſt be obedient to the ſtanding Laws of the Land; He ſaid, ſhe muſt plead; She asked for her accuſers; Then ſtood up one whoſe name was *Lovel a Vintner*, the Judge asked him, whether he took this woman out of the Meeting, and what ſhe was doing: *Lovel* ſaid, He took her upon a form ſpeaking; and the Judge ſaid, *What a woman ſpeak!* The Jury and ſome other of the Bench ſaid, *They never heard of a Woman to ſpeak before*; She asked them, If they had not read the ſcriptures, ſhe told them, *Phebe was a Prophetesſe, and Philip had four Daughters that propheſied*, and *Paul* wrote to his Brethren that they ſhould take care of *the women that were fellow labourers with him in the Goſpel*. The Judge ſaid, That was a great while agoe; ſhe told him, It was when the Church was in her Beauty and Glory, but ſince darkneſſe hath covered the Earth, and groſſe darkneſſe hath vailed the Kings and Rulers, ſo that it is become a ſtrange thing to the Apoſtates to hear of *a Daughter to propheſie*; ſhe told them alſo, that they might read in the Acts of the Apoſtles, and in the book of *Joel*, *That God had promiſed to pour out of his Spirit upon Sons and Daughters, in the latter dayes, &c.* The Judge ſaid, She ſhould ask of her Husband at home; ſhe ſaid, If her Husband ſhould be a Drunkard, or a ſot, what ſhould ſhe learn of him, to be wicked as he was? *R. Brown* asked, If her Husband were ſo? ſhe ſaid, No, but if he were ſo, what could ſhe learn? But Chriſt is my Huſband, and I learn of Him (ſaid ſhe.) Alderman *Brown* ſaid, ſhe had left her Husband two years, and went with a young man into other lands; ſhe told him, That was not his buſineſs to judge at this time, nor was it fit for him to accuſe

her, but she went with three Women as she was moved of the Lord.

The Judge asked the Witnesse, whether there were but five in the Meeting; The Witnesse said, He did believe there were about *two or three hundred*, but he could not bring them all; but said, he did prety well clear the room: She told the Court, That this man came into our Meeting (said she) where we were quiet and still, more like a mad-man, then a sober-man, with his Sword drawn, and a Cane in his other hand, and so he came up where I stood, and set his Sword toward my Face, and pluck'd me down (said she.) Then said *R. Brown*, It seems you were up then; Then she said, she was never in such a Meeting mentioned in the Indictment; but she was in the Meeting, and she should never deny it, but shall stand for it whilst I have breath said she; and this man gave his Souldiers charge of me, and he laid on with both hands upon our Friends; they thrust me to the door, and threw me down, and trod upon me, and if the power of the Lord had not preserved me (said she) they might have killed me; And she asked them, *Whether they owned that?* And *R. Brown* said, If they had *hanged her up, they had served her well enough*: And she said to him, *Thou art a wicked Judge*; Thou saidst to me when I was at thy house (said she) that the best work thou couldst do, was to persecute such a wicked Generation as we. And then she said, Why shouldest thou sit there as a Judge? He said, It was the best work he could do yet; And he said, If he hath done you any wrong (meaning the Witnesses) you may sue them at the Law, and write in your Indictment against them, That they pulled your Tongue out by the roots: She told him, That was a Lye, and asked him if he would have her be a liar? They said, Take her away; And then they called *Sarah Cobbet*, and *Frances Cole*, and *Elizabeth Sartyn*, and *John Ratten*; *S. C.* was asked whether she was guilty or not guilty: Afterward the Judge asked her whether she was in the Meeting or no? She said she was moved of the Lord to go thither: She was asked what she did there? She said, She was Commanded of the Lord to speak: then said *R. Brown*, and I command you now to be silent. Then they called *Frances Cole*, and asked her whether she was

Guilty

Guilty or not Guilty? She said she was not Guilty. Then the Jury brought in their Verdict that they were Guilty. Then *Esther Biddle* again desired to know what they had done; *R. Brown* told them, they were in an unlawful Meeting: Then she said, *Richard*, Dost not thou remember that thou Prayedst in the Camp by *Abingdon*, and was that an unlawful Meeting? was not that a good Day with thee? I am afraid thou wilt never see such another. *R. Brown* said, He had no other Place then, but now he went to Church, and so must ye too, said he; She told him, The day was at hand, wherein God would destroy the Temples and the the Worshippers thereof, unless they repented. *R. B.* asked her, if she meant her own Temple? And the Judge asked her if she meant Temple-Bar. She said she had been in many Nations, and before Judges and Benches, but never was before such a wicked Bench as this. *R. Brown* replied, And many Nations have been in you. They said, She had said enough, and then bid the Keepers take them away. Then she was pulled away to go to Prison, and after a little time she went up to the Bar, and said, Friends, I desire to know what you have done with me? Then the Judge said, Woman, you are young, and the Court hath considered you, and we hope you will be of another mind, and so we have put a small Fine upon you: To which she replied, This is not the way to make me of another mind; then it is sign *that liberty of Conscience is ceased within these few years*; Then she said, Friends, keep to that pure Principle which drew you forth at first from the Idols Temples and Idolatrous Worship, if you do not, the Lord will sweep you away with the Besom of destruction into the pit of everlasting perdition. One upon the Bench said, She remembers us of the Old Cause. And then the Judge bad the Goaler take her away to Prison; She said, There is Mercy with the Lord, but there is little with men; So she was had away: *Lovel* (who Witnessed against her) *whispering to the Goaler*, bad him have her to *Bridewel*; Whereupon she step'd back to the Bar, and said, Friends, have you Ordered me to be sent to *Bridewel*? They looking one upon another, the Judge said, No: Then she said, This Witnesse is an envious man; for he bad the Goaler take

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me to *Bridewel*, and for ought I know he standeth here to suck my blood (said she:) The Judge said, It did not concern my life: Then she said, If it were not the mighty power of the Lord that preserveth us (who hath the hearts of Kings and Rulers in his hand, and turneth them as a River of Water which way he pleaseth) you would murder us all. Then they were fined 13.s. and 4.d. a piece, and so carried away to Prison, to lye till payment.

ABout this time There was divers of the Prisoners sick, of violent Feavers and distempers, by reason of that Exceeding throng which they were forced into, so many together in narrow Rooms, that they had scarce liberty to lie down one by another, which brought many great *Inconveniencies* upon them, and occasioned dangerous sicknesses; insomuch that many lay sick at one time; and though some recovered, yet many died, to the number of Eight honest Persons, who were two and two together in one week carried to their Graves from *New-gate*, which made the people cry out, *It was pity that these things should be, That honest men for their Conscience sake should thus perish in Prison*; and no doubt but the knowledge of these things, That many were sick and divers died, and being publickly seen carried from *New-gate* two and two together in a week, made many stand amazed, working dislike in the hearts of people against these proceedings; and though the prisoners laid their case (of want of prison-room, and the dangerous distempers that were occasioned amongst them thereby, and that divers died because thereof) before the Rulers of the City who had power to redress these grievances, yet notwithstanding no notice was taken of it, no, though above twenty of the prisoners Friends went to the Mayor and Sheriffs of the City, to Reason the Case soberly with them, of the great straits, inconveniences, and dangers that the Prisoners (their Brethren) were liable unto, especially in the Summer Season, by being so many thronged up together in noysom places; and also proferred body for body, and that a cerrain number of them would become prisoners and goe into their places,

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for the relief and comfort of so many of their poor afflicted and sick Brethren, that they might not perish in prison, according as in *The second part of our cry of the Innocent for Justice*, is more at large published) yet no bowels of Mercy nor pity could be found, nor could the humblest proffers penitrate into their hearts to grant relief to the oppressed, but lie in close prison they must, whether they would die or live, as if they deserved no pity of any. Well, for some weeks every day some fell sick, and in particular that good man of God *Richard Hubberthorne*, unto whom in this place tis not unseasonable to give a Testimony, as of duty we are bound.

The same Person was born in the North part of *Lancashire*, and was of very honest Parents, his Father was a Yeoman of the Country, and had a good Report of his Neighbours, for uprightnesse in all his dealings; and *Richard* was his onely Son, who was *inclinable from his youth upwards to Religion* and to the best way, alwayes minding the best things, and following the company of good men, and was never known to be addicted to any *vice* or *malignity*, nor ever followed any evil course of life from his Child-hood, but feared the Lord and walked uprightly before him, and was faithful according to the Light and knowledge received in all things; and his natural disposition and temper was *meek* and *lowly, and loved peace among men*; he was brought up with his Parents in good education, according to the custom of the Country; and in the time of the late *Wars*, he was disposed to go into the Army, and was in *Scotland* most of the time till the Land was reduced; and he had some office in a Regiment, and did sometime preach among his sincere and sober Companions that loved him wel, according to his knowledge and judgement at that day; and he obtained *a good Report* amongst such as were lovers of Religion.

And when it pleased the Lord God everlasting to raise us up to be a People in the North parts, (and through *great Tribulations* and *extream distresses* within and without, which we passed through were we raised up of the Lord to be a *holy* and *chosen People*) This same Person was one among the first of us whose heart the Lord touched with the

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sence of his *Power* and *Kingdom*; and amongst us he had the mighty operation of the Power of God experienced in his heart; Great afflictions and tribulations for many weeks was he exercised in, through the dispensation of the Grace and Spirit of Christ Jesus; he was in that state, and while therein exercised for many dayes, a wonder to all that beheld him, as one passing out of the body, as one under the deep sence of the hand of the Lord, under the *operation* of his Power, thus it was with many of us, and particularly with him; Till such time as the same Power *that killed made alive*, as *wounded also healed*, as brought down also raised up, and then being raised up in the holy Spirit of the Lord Jesus Christ he was made a Minister of the *Everlasting Gospel*, to preach *Repentance, Conversion, Salvation and Remission of sins*; and accordingly went forth in the Name and Power of the Lord Jesus the Saviour of mankind; and was *a Minister of the glad Tydings of Salvation*, in many parts of this Land and elsewhere, to the conversion of many Souls to God; for his Ministry was made effectual by the Almighty Power of the Lord, to turn many *from darkness to light, from the power of Satan to God*, and there are thousands who can in the Spirit of the Lord bear Testimony to the power and verity of his Ministry, in many Countreys where he travelled; for he laboured much in divers places, and was very diligent and faithful in the work of the Lord, and suffered imprisonment divers times, and was hardly dealt withal, and persecuted in *Chester, Cambridge* and in *Norwich* prisons and other places; and he was found faithful in all his Tryals among his Brethren, and alwayes ready to do his service in what he was called unto with a willing mind, being *truly in body, soul and spirit given up to the service of the Gospel of Christ Jesus*, a dispensation of which was committed unto him, that he might serve the Lord in his Generation; and though he now hath finished his Testimony in this World, yet *the remembrance of him lives with us in the Spirit of Jesus*, and he is accounted among the faithful Sufferers, a Martyr for the witnesse of the Truth which ever liveth. And for the space of nine years he laboured and travelled in the work of the Gospel aforesaid, in *most of the Counties of this Nation*, and was well known for his

his faithfulneſſe among the *Churches of Chriſt*; He was but little in ſtature in his outward man, and of weak Conſtitution of body, and was ſlow of ſpeech, and often more ready to hear then to ſpeak; he made little appearance in the man-hood of Excellency or Authority, but was contemptable among men, yet he was very wiſe, and knew his ſeaſon when to ſpeak, and when to be ſilent; and when he ſpoke, it was with much *diſcretion and deliberation*, in weakneſſe of words many times, yet reached perfectly the matter intended by him, and his ſpeech was *with Grace, and in the fear of God*, and had Authority in the Spirits of men, and was of *ſavour and ſound judgment*, though in weakneſſe of the man-hood expreſſed; for he anſwered not mens Wiſdom in excellent ſtile of words, but the witneſſe of God in ſincerity of ſpeech; he was a Perſon *of ſound judgment in divine Myſteries*, and of good experience in the operations of the power of God, and knew the paſſing through divers *conditions of the inward man*, and was able to ſpeak to many eſtates of man paſſing under the diſpenſations of the Grace of God; he could well inform the mind of a perſon in *an afflicted and toſſed ſtate of terrour and judgment*; and his Miniſtry was often ſavoury and ſeaſonable, and felt in the pure life, though his words were plain and homely, and no beauty in them to mans Wiſdom; and God made him and his ſervice a bleſſing to many who ſhall ſpeak for him in their own Conſciences; He was of a *loving, gentle and good diſpoſition*, and acceptable was his Company to them that knew him and were like-minded; a *good Companion* in all Conditions, not ſoon moved into paſſion of either grief in Adverſity, or of joy in Proſperity; nor had he a Spirit *taking offences* upon light occaſions againſt any, but watched for Good over all, and not for Evil; He was a man *of peace*, and loved it, and *walked peaceably* among his brethren, *in honeſt kind familiarity*; And I am perſwaded in my Soul, according to the experience I had of him for many years, he abhorred diſſention and ſtrife among Friends, and was never the real occaſion intendedly by himſelf, of any *difference and diſſention* among brethren; and what further is Truth of him, I leave it to the juſt God, whoſe teſtimony is true and never fails.

Among many others that were taken from Meetings and sent to *Newgate* according as ye have heard, This *same Person* of whom I am now treating, was in like manner rudely and violently taken on the 22th day of the 4th Month last, out of a Meeting in the *Bull* at *Aldersgate*, and carried before *Rich. Brown*, who used violence to him with his own hands, in pulling his Hat down upon his head so that he brought his head near the ground, and then he Committed him to *Newgate*, where he remained till the Sessions, and was then Ind&ted among the rest, for being at *an unlawful Meeting*, &c. as it is said; and he being throng'd up in Prison among the rest of us, it pleased the Lord to visite him with sickness of body, and in 10 dayes space (alwayes growing weaker and weaker in that time) he disceased and laid down his body in peace; About two dayes before his departure, some of his deerest Friends went to visite him, and sat by him a space, and spoke somewhat to him, and asked him if any thing was upon his Spirit, he might now speak it to his Friends? His answer was, *That there was no need to dispute matters, for he knew the ground of his Salvation, and was satisfied for ever in his peace with the Lord God, and we know* (said he) *one another well, and what each of us can say about those things*, and spoke no further: And the 17th day of the 6th Month he departed this life, and was gathered up to his Fathers, the Generation of the Just; and though he be gone in that bodily appearance, and his person removed from us, yet is his new-Name written among us, and his Memory can never die, for his Spirit still lives to praise the Lord, and the life which breathed forth through that vessel cannot be removed far away; for it is the *Infinite, Immortal, Eternal Life*, which dwells in *Sons and Daughters now upon the Earth*; and though his outward man be put off, yet he lives alwayes in Spirit, for he was a *Servant of the living God* upon Earth in his day.

In about six Weeks time, there died of the Prisoners that suffered for Conscience sake *in Newgate*, these Persons named as follows, who were *honest sincere men of truth that loved the Lord, and served him with their upright hearts, and gave up their lives for the Testimony of Jesus, as faithful Martyrs and Witnesses for him*; And 'tis verily believed, their close and throng'd

throng'd Imprisonment in the Summer Season, was the occasion of their sickness and violent distemper, and so consequently of their Death, which amounts to innocent blood, being men whose lives were destroyed causelessly, by reason of the wickedness and Persecution of ungodly men, and their Death will be inquired into by the Lord, when he comes to judge all men according to their deeds, and gives unto them after the fruit of their own doings; *John Stanton, Thomas Kirby, Richard Hubberthorne, Anthony Skellington, John Giles, William Watson, John Shutt, William Eldredge, Richard Bradley:* And *Humphrey Bache, and Humphery Brewster* died in a short time after their Release. These men laid down their lives for the Testimony of Jesus Christ, and suffered for *Conscience sake till death*, and left good Testimonies behind them, spoken on their death-beds; One of them said, *This body of mine must go for the Truth, this body must be laid down for the Testimony of Jesus Christ, as a Witnesse against this persecuting Generation; and be rejoyced in the same at the point of death.* Another of them said, *The terrible day of vengeance is at hand upon the wicked, Wo unto the persecuting Rulers of this City, the Lord is nigh unto them in the stroak of his Judgements.* &c. Another on his death-bed *Exhorted earnestly all Friends, to be faithful, to be bold and valiant for the Truth of God, and to suffer patiently to the end, till deliverance come, which the Lord will bring unto his people in dispight of all their enemies,* &c. These and such like Testimonies were given by these servants of God on their death-beds, which will be fulfilled in the Lords season, for the words of dying men are serious and certain; Oh! that this City would take notice of the same, *That the Rulers and People* thereof would Repent and turn unto the Lord, ere his wrath break forth against them for their wickedness, which is great this day in the sight of the Lord, and before him, for which his wrath is kindled to burn as a flame, and it will reach unto the high and lofty, and all flesh shall feel the indignation of the most high; Oh! that men would *remember the long-suffering* of the Lord, and Repent, and return before it be too late, for nothing can save this City and her People from the Wrath of the Lord, except speedy and true Repentance, and returning with all the Heart, and with all the Soul; wherefore let

the people become *Meek, and Humble, Lowly, and Poor, Holy and Just* before the Lord, let them break off their sins by Repentance; The da of the Lords sore Judgements are at hand, and Breaking, and Destruction, and Misery will surprize the Workers of Iniquity.

Concerning the Imprisonment and proceedings of the Court, and release of above fifty of our Friends in the County of Middlesex.

THere were taken out of several peaceable Meetings, while they were humbly waiting upon the Lord in his Fear and Worship, above fifty of our Friends in that County, and at divers times committed into the *New Prison*, all of them saving a few persons by the *Lievtenant of the Tower*, being taken by Souldiers, and violently seized upon in such their peaceable Meetings, and not according to Law, and brought before Lieutenant *Robinson*, who sent them all to *New Prison* without much examination of them; and there they were kept Prisoners many of them three Moneths, and never brought to Tryal, onely about thirty of them a fortnight after their Commitment were had to the *Tower*, and the Oath of Allegiance was proferred them, by the Lievtenant in these words, *Will you take the Oath, will you take it, will you take it*; And for refusal, they were sent back to prison again, though he was so hasty in asking them about, that divers of them had not time to speak to him, nor to treat with him in sober discourse about the lawfulness of the same, which some of them desired to have done, but little was said; *But will you take it, will you take it?* And they were all continued Prisoners till about the twentieth day of the sixth moneth, at which time there was a Sessions at *Hickeses Hall* for that County, to which place divers of the said Prisoners were brought, first of all sixteen persons who were there Indicted *at common Law, for being at an unlawful Meeting, &c.* according to the forme, as before is shewed; and they were asked, *Guilty or not guilty*, to which most of them pleaded *not guilty*, and were returned back to prison again,

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ſuppoſing that ſame Seſſions they ſhould have been Tryed. Next after them were ſeven more Perſons called into the Court, and *Indicted alſo*, and demanded to plead *Guilty* or not *guilty*, but they refuſed to plead in their Form of Tearms, though they all ſaid, they were Innocent and Clear from ſuch a Meeting as was mentioned in their Indictment, and in ſubſtance and effect pleaded not *guilty*, though not in the very *form of the Courts proceedings*; but they were condemned as Mute, and the Indictment taken *pro Confeſſo*; and they preſently ſentenced them ſo much fine a piece, and ſent them Priſoners to *New-gate*, there to remain till payment.

About this time there was a Seſſions kept at the *Old Baley*, to which place it was verily expected many of the Priſoners in *New-gate* would have been brought for their Tryal, for there was about 140. of the ſaid People now Priſoners in that place, beſides the fifty in *New Priſon* (before mentioned) and though divers of them had been led out of the Priſon to *Old Baley* ſeven times already, yet was never *Tryed*, nor any thing charged upon them to this time; Yet not any of the ſaid Priſoners were *called this Seſſions*, the occaſion thereof was this; There being at this time near 200. of our Friends, beſides many of the *Baptized People*, in the *Goals for* London *and* Middleſex, moſt of whom were all taken by Souldiers, and force of Arms violently, out of *their Meetings, where they were waiting upon the Lord, in his Fear*, according to the practice of the *Primitive Chriſtians*, *and example of Scriptures*; and being ſo apprehended, were all of them committed at divers times into the ſaid Goals; and ſome were tryed, others not, ſome fined, others not, and in ſeveral Capacities of Priſoners, they were yet all continued ſtrictly in Priſon, to their great danger and inconveniences by reaſon of ſo ſtrait Impriſonment as ye have heard; And the *King* knowing of theſe things, and that many were now in Priſon, and (is hoped) he took into good conſideration, the ſad eſtate of his *Subjects*, he was pleaſed to ſend His Letter thus directed, *To the Mayor of* London, *and other his Commiſſioners and Juſtices for the Goal delivery of* Oyer *and* Terminer, *and of the peace in the City of* London *and County of* Middleſex, which was read in the open *Seſſions* at *Old Baley*, the

twenty

twenty second day of the sixth month, signifying the Kings pleasure for the release of the people called *Quakers*, and others of the separation, upon that occasion of the *Queens* first coming to the Kings Palace at the *City of Westminster*; his pleasure was, that all such persons should be discharged then in the Goals for *London* and *Middlesex*, *except Ringleaders, and Preachers, and such as were indicted for refusing the Oath of Allegiance, &c.* According to which Letter, most of the said Prisoners were discharged, except some few excepted, who yet remains; Onely the Goalers (which is a common property pertains to the men of that calling) greedy of Gain and Money, would not set at liberty the prisoners without paying Fees, but kept them about six dayes after, and then let them go without Fees, which for *Conscience sake* they could not pay, for these Reasons.

1. Because *Fees in themselves are an imposed oppression and exaction upon Prisoners*, and we are bound in Conscience to bear witness against such imposition, by denying to pay Fees, which is an evidence against it, and we cannot uphold such *Oppression and Exaction*, but do witnesse against it, by denying to pay any Fees; for ceasing to uphold any oppression by denying it, is the greatest witness against it, and so is it in this case; and seeing it is an oppression (even this very matter of Fees) we rather chuse to suffer, then to *uphold it and maintain it*, by paying any; and this is one Reason why we deny to pay Fees.

2. Because *we are Innocent, and not imprisoned for any evil doing or breach of any just Law*, therefore we may not pay Fees, and thereby render our selves to the suspition of *guilt*, when we are *guiltlesse*; for paying the impositions of Fees to *Clerks and Goalers* doth partly render mens clearness and innocency to the evil surmise of evil minds, as if they were *guilty*, and because we are *clear and innocent* both before God and men (in this case of being sent to Prison for Meeting together for the Worship of God) we may not pay any imposed Fees; for if any Fees be due, they are due from Transgressors as an Imposition deservedly upon them for their offence, and not from the Innocent who are wrongfully imprisoned, and of right ought not to be *imposed* upon

by

by any, much leſs by the Goalers, who are but inferiour ſervants.

3. Becauſe *there is no Law of the Land commanding and injoyning us to pay ſuch exacting Fees as is uſually demanded of us*, but onely a traditional cuſtom got up in the Land, and by cuſtom of time long continued, now tis claimed as due and debt from Priſoners, wch is not due by any Law of the Land, but *Impoſed and Exacted* by long cuſtom without Juſt Law; and therefore we do refuſe to pay ſuch Impoſition, which is come in by evil cuſtom, and not by good Law, which we are bound to Witneſs againſt by the denyal of it; who cannot in good Conſcience uphold any thing but what is rooted and grounded upon *Juſtice*, *Equity*, *and Truth*, and not that which is grounded upon *evil cuſtoms*, and is in it ſelf *Exaction and Oppreſſion*.

4. Becauſe *we are a free people, born free of the Seed of God, and are ſpiritually of* Abraham, and cannot be ſubject to the wills of men, to feed the *Oppreſſors* after their deſires; though tis our Principle and Practiſe to be ſubject to every Authority *by doing or ſuffering*, according to eſtabliſhed Law, yet we do refuſe ſubjection to impoſitions grounded upon evil cuſtoms, and without any Law; and that becauſe we are a free people, and cannot be bound by vain and formal Traditions in any caſe, but do deny to uphold any thing of that nature, and do alſo travel and ſuffer for the end, *to correct and rectifie* every ſuch abuſe in the world, that every Yoak of bondage may be broken, and all people may come to the *free Spirit* of the Lord, to be led and ruled thereby, and not bound under every formal Cuſtom of men; ſo for theſe Reaſons do we refuſe to pay, *exacting*, *extorting*, *and oppreſſive Fees*, and not out of *Covetouſneſſe nor Penury*; for tis our property in the free Spirit of the Lord, to ſhew kindneſs to them that are kind; though we cannot *buy courteſies*, nor fee men aforehand for their love, yet no man hath occaſion to ſay of us, they are covetous, nigardly, and diſreſpectful to ſuch that ſhew favour to them; we are not of that ſpirit, that flatters men with fees aforehand, neither of that ſpirit that can bow and bend to pay fees, for fear and terrour of the threats of men; but we are of that *free*, *liberal*, *bountiful and grateful ſpirit*, that can do good, and be liberal

liberal to all men in the free ſpirit, without flattery or fear; but to be bound by impoſitions contrary to our Conſciences our ſouls do hate, rather then to be ſubject on that kind, we can ſuffer the loſs of all, till the Lord ariſe and make us free outwardly from all *cruel and hard impoſitions* of men, as his Power and Spirit hath freed us *inwardly* from the bondage of ſin and death, for which we wait, according to the Promiſe of the Everlaſting God.

Concerning the late Impriſonment *of divers of the People of God called* Quakers, *becauſe for* Conſcience ſake *they have refuſed to go themſelves, or ſend out men in the Train Bands; With* ſome Reaſons *ſhewed for ſuch* their Conſcientious Refuſal.

BY divers *wayes and means, and upon divers occaſions and pretences*, hath the long and cruel Perſecution been inflicted upon the People of God, againſt whom many *occaſions* have been ſought and taken by their Adverſaries on purpoſe, that they might fulfil their envious Wills upon them, and deſtroy them by *Impriſonment, and every way elſe*; And when one Means and Way would not effect their deſired aim in that particular, then they have found out ſome other way, wherein to perſiſt and travel on to bring to paſs the *ruine and overthrow* of the Heritage of the Lord, if it were poſſible for them ſo to do; yea, ſuch is and hath been the *zeal, and madneſſe, and cruelty* of that birth born of the Fleſh in all Ages, againſt the *meekneſſe, humility, and vertues* of that birth born of the Spirit, as it is even at this day, that he hath left no way unattempted to effect his deſired end, even to deſtroy and overturn the righteous Seed which God hath bleſſed; and of this we have experience in our Age, who are feeling *Witneſſes of the cruel hand of Perſecution upon us*, for and becauſe of that Truth and Righteouſneſſe which we hold forth in the World, by *ſound Doctrine and good Converſation*.

And among the many occaſions ſought out againſt us, now

now of late divers have been Committed to Prison for the Cause aforesaid, (to wit) because upon Invitation of men in *Military Power*, they have not gone out themselves, nor sent men in Arms, to do that Service which they have by their Officers been Commanded unto, as hereafter more at large is signified; and that all the World may know, such Persons so refusing to go out, are not *wilful and obstinate*, and have so refused, as Persons wholly *unreasonable and contemning Authority*, upon peevishness, and their own wilfulness, &c. with which calumnies in many cases they are traduced; Therefore here are some *Reasons* amongst many that may be given in the case, presented to the World for their so *refusal*, and because of which some suffers in Bonds this present time.

First, *Because it is contrary to the very Law of Nature* (as the case standeth in this City) for the very work of the Train Bands in this City of late have been to *Beat, Abuse, Knock down, Imprison and Persecute us*; and this have they done, and been commanded to do by their Officers, which shews the Truth of the Reason; for every man *by the Law of Nature* is bound to preserve himself and his own life from mischief and destruction; and it is absolutely contrary to the very Law, for a man to destroy himself, or be *accessary* thereunto, by himself or by any other; It is against the *Law of Nature and Reason*, for men to be any way helpful, *to beat, and imprison, and knock down, and persecute themselves*; And so is this very Case, if any of us should go out or send a man on this occasion, it were to aid and assist, and endeavour (if not personally to act with our hands) to *bale to prison, or to beat and persecute, it may be, kill our selves or our Friends*; and so to be *Helpful and Accessary* to our own suffering, if it were to *death*; and this the very *Law of Nature* restrains us from, and we cannot do it, for it is natural to mankind, and to every Creature, to be helpful to preserve it self, and contrary to nature, to be a means by it self (wittingly and willingly) of its own *destruction*, no man may in reason rise up against himself to his own death, which is the case; so this is one reason taken from the *very Law of Nature* (which enjoyneth to preserve our own lives, and not to destroy our

selves nor our Friends and Neighbours, neither by our own hands, nor others through our means; wherefore we refuse to go or send out men in Arms on that occasion.

2. *It is contrary to all equity and reason* to be put upon us, and expected from us (as we are Inhabitants of this City) Inasmuch as we are *daily a suffering and persecuted people*, and *commonly reputed* (*though falsly*) as the very enemies of the Peace and good of the Land; and upon that pretended Reason, daily *haled to prisons, indicted as great Malefactors, and fined in great sums of money, and many hard impositions put upon us*; and seeing we are thus dealt withal, and restrained of *the lawful enjoynments of common Freedom and Liberty, and our rightly due priviledges*, as other inhabitants have, we cannot be permitted our *Freedoms and Priviledges in our callings, and to follow our employments*, as we are men, nor yet our *liberties as Christians, in the exercise of our Christians duties, according to the perswasions of our Consciences, and example of Scriptures*, but are imprisoned and persecuted, and all our rights (both as we are men and Christians) *violated, and taken from us*; Seing it is thus, how can it in common equity and reason be *put upon us, or expected from us*, that we should be charged with any such service and duty, or perform the same, either in our *persons* or *estates*? there is no equity nor reason in it, that men should be charged with a service for the good of the City, as this is professed to be, and yet not permitted to enjoy any portion of the end of such a professed service, but quite the contrary imposed, and this is our case; It is professed that the Trained Bands are raised, and goes out for the good and peace of the City, and we are commanded to joyn with them for that good end; and yet we are *debarred* and *restrained* of every part of that end, and quite the contrary end is made *our portion*, and therefore it is *unequal and unreasonable* in our selves, as well as in them that expect it from us, that we should joyn in such duty and service, likeas if a person should *adventure* to Sea such a sum of mony in the hand of a *Merchant*, trusting him with the *improvement of it*, for the end to bring in gain, and at the return, the Merchant keeps both *Principle and Produce* from the *Adventurer*,

turer, and not only so, but he makes use of the said mony, to put the man to as much more *needless charge and expences*; Would not all men say it were *contrary to both equity and reason*, that such *Adventurer* should ever *credit* such Merchant more, and much more *unreasonable* that such *Merchant* should put such *Adventurer in Prison*, because he will not give him *credite and trust him with more stock*; This Parable shews the truth of our Case, and proves the truth of both the Reasons aforegoing.

First, *That it is contrary to the Law and Principle of Nature.*

Secondly, *It is contrary to common Equity and Reason* (as the case standeth) for us to go out our selves, or send men on the occasion mentioned, and for these Reasons we do refuse to do it.

Also let it be rightly considered how *unreasonable this thing is* that we should now Suffer for not going forth in Arms, & yet divers of our houses have been searched *for Arms, and taken away from us* where any were found, and we threatned to be sent to Prison, for having *any Arms in our houses*, if but an old Sword, and yet now must Suffer because we will not *keep Arms*, and go out in a *War-like way with them*; Also how unequal it is, that we are sometimes *threatned to persecution*, because we are feared *to fight*, and at other times, *threatned and made to suffer because we will not go out with carnal weapons to fight*; and thus are we made to suffer on the one hand and on the other, and afflictions are our portion on every side, from the men of this Generation, and many are our Troubles, till the Lord deliver us out of them all.

3. *Because we are true Christians, and Redeemed, and Retired, and Sanctified by the Lord Jesus Christ*, and are men of Peace, and Love, and good Will towards all men, and lives in it, and seeks after it, and are not men for *War, and Strife, and Debate*, but are *Redeemed* out of that Spirit which is in the fall from God, and *delivered* from the working of such works; and now we cannot *war with carnal Weapons our selves, nor uphold it in others*, but do give *witness against it*, by such our *refusal* to rise up and go out with

Carnal Weapons, for all such things are in the fall from that estate in which God placed *man in the beginning, and wars and fighting* are in the enmity and Spirit of Iniquity, which is contrary to God, as saith the Apostle, *Wars and fightings do arise from the lust that wars in the members*, Jam. 4. 1. and from that estate of *enmity in the fall*, and out of these works are we *Redeemed and sanctified by the Lord Jesus Christ*, and do walk in his *Doctrine*, who hath *exhorted us to love our Enemies, to do good for evil, and to reward no man evil for evil; but when we are smitten on the one cheek, to turn the other, and to be reconciled with our Neighbours*; these and many such exhortations we have in the Scriptures to the true Christians, which we desire to be found walking in; and therefore we do deny to go out with *Carnal Weapons to war against any*, much lesse against our *own selves and our Friends* as this case is, as before is shewed; And we are come to the Spirit of Christ Jesus, and to the *Son-ship to be heirs of God, and Joynt-heirs with Jesus Christ*: Which State is greater then the State of the Kings of *Israel*, who sometimes went out to war, and were *Righteous men, and justified of God in so doing*, yet that State was short of the State of *Christ*, who was the Heir of God, to which *State* in measure we are come, and so are *Redeemed from wars and fightings with Carnal Weapons*; not onely in their worst State, but in the best Estate of such *Wars*, not onely in an evil and wrongful quarrel we cannot war, but in the best kind of *quarrel*, we refuse out of Conscience, *to war our selves*, or to send others for us, *to war with Carnal weapons*, and that because we *are true Christians, and believes in Christ Jesus*, and abides in his Doctrine, and loves peace with all men, and can do good to them that hate us, and are come to the end of wars, and would have mens lives saved and not destroyed, and are of the Spirit of Christ Jesus which warred with Spiritual Weapons against the evil lusts and evil affections within, and against that spirit of transgression in mens hearts, that he might kill and destroy that Spirit, and save the Bodies and Souls alive; and such war do we make this day with the Weapons of the Spirit of God, that sin may be slain, and unrighteousnesse destroyed in mens hearts, and that Body and Soul may live;

but

but other kind of war we cannot make for the Reasons aforesaid, therefore we are excusable in the sight of the Lord, in refusing to go out with *carnal Weapons*, though yet we suffer *Imprisonment*, and are *persecuted* because of the same.

If from hence it be Objected by any, *That this principle and practise of denying to fight at all*, is *dangerous and of evil consequence*; and if all were of this *principle and practise*, then we might be *exposed to ruine and destruction by other Nations*, who would come upon us and take our *Country from us, and enslave us*, and all this while we deny *to fight against them*, and will not defend our selves by the *use of carnal Weapons*, &c.

To which I answer; 1. If all the People in the Land were of this *Principle and Practise, to deny to fight, or rise up with Carnal Weapons at all*; this would prevent all *Insurrections* at home in our own Land, and all the Fears thereof would be *wholly removed*, and without doubt we should be in *Peace*, and no occasion of Fears of *Wars among our selves in our Country*; and if all the People of the Land were of this *Principle and Practise*, this good Consequence would naturally follow; we should be in perfect Peace in our own Nation, and without all Doubts or Fears of the contrary: But,

2. And if this same *Spirit, and Principle, and Practise* were in all things *believed and obeyed* by all People, such would be the vertue of the *effect of it*, in the *peace, and love, and comfortable union and fellowship that would flow forth among all people in our Land* by such Spirit and Principle, and also to other Peoples through the World, that occasion would not be *administred to any other Nations, to invade or destroy us by rising up against us*; but such would be the vertue of such a *Government*, wherein *perfect peace* were among the People in obedience to that Principle and Spirit, that all the Earth would be engaged towards such *a Government in love and obedience, and would fear and tremble before the Lord to offend it*; yea, such would be the *Majesty and Power of the Lord God* for such his People, and would so appear for them against their enemies, his People onely trusting in his *power and arm of strength*,

strength, renouncing all the Confidence in the *arm of Flesh*; the God of Heaven would appear for them in his Salvation round about them *spiritual and temporal*; If (I say) men were all come to the *Principle and Practise of Righteousnesse and Truth, of Justice and Mercy, and to renounce all the contrary, and could deny all carnal Weapons*, and would trust the Lord onely to defend them, and would in all things rely upon him, such a People would be happy and blessed among themselves, and also a *happinesse to all the World*, and *a joy and yet a terror to all Nations*; and the God of Heaven would defend them in all their wayes, from the Fury and Wrath of the Wicked; and if the Lord were wholly *trusted to, and depended upon by all people*, his *eternal power* would be seen alwayes in preserving of them, for no man nor People ever yet trusted to the Lord, and was failed in their *hope and confidence*.

3. But to come into the *belief and practise of that spirit and principle which cleaves onely to the Lord and trusts in him*, and altogether depends upon him for defence and preservation, and renounceth *carnal Weapons*; this is onely the work of the Lord in mans heart, to beget People into the *belief and obedience of the same*, it is God only by his Power and Spirit that must bring all men to this estate; It cannot be taken upon a Person or a People *if they will*, or who may be of this *Principle and Practise that will*, this is not the way, it is not thus come by, no man can mould himself into such a frame as to *believe and obey God in all things*, and so to trust the Lord *as to renounce carnal Weapons*, but it is he alone that perswades the Heart and Conscience into the Faith and Practise of this; So we enjoyn no man nor People unto it, we may not *perswade any man* to lay aside all Carnal Weapons upon the penalty of damnation, nor bind any such thing upon him with a Curse, till God perswade his Heart. And as it was God that wrought the same in us, even to deny all *carnal Weapons*, and never to fight more with them, but to trust the Lord altogether, and that upon the *penalty of damnation*, so we leave it to him to work the same in others, according to the Counsel of his own Will.

Lastly, In full Answer to the Objection thus; We are *convinced*

vinced in our Consciences by the Spirit of Christ, of the unlawfulnesse to our selves of going out to War with *carnal Weapons* against *any man in any case*, and we cannot do it but we sin against God, yet we leave all People *to do*, or *not to do* in that Case as they are moved and perswaded by the Spirit of Christ Jesus in their *own hearts*, and may not perswade any man *to*, or *against* this thing contrary to their *own Consciences*; but as for us, we being Convinced that we ought not to go out *to War with carnal Weapons*, we must be obedient to the Lord in this matter, and must follow the Lord in his leadings according to the light of Faith which we have received from him, without *respect* to what may be the Consequence of the same, we must not follow the Lord with respect to what effects may follow (as of Peace or Trouble, Joy or Heavinesse) to our *outward man*, but we must be obedient to the Lord *absolute*, and not measure our love and faithfulnesse, and obedience to him, by either *objected* or *real Consequences* which may follow; for we must, and do trust the Lord in whatsoever may follow upon our *outward man* for our obedience to him; so we are not further careful in any thing what the Lord may do, or suffer to be done in any Case, only tis our duty to stand *in his Counsel*, and to walk *in his Fear*, and to follow *his Teachings*, and then we are certain nothing will come to passe as *any Consequence* thereof, but what will be for our good and the glory of the Lord in the end; for he hath given us hearts to trust in him, and we do rely upon him for *defence and preservation* in all cases, and are made of him to *trust our souls and bodies with him* in our obedience to his Will, commending our selves into his hand of power, to *live* or to *die* in our subjection to him according to his Heavenly Will; and our Souls do desire that the same *mind and heart were found in all People*, that they would obey him in all things, and trust in him only, and commit the Consequence thereof to him; Oh! then should the day be blessed, and the whole Earth made happy, and the People rejoyce in the Salvation of the Eternal God; Then should the Heavens sing for joy, and the Saints and Angels rejoyce together, when God alone is exalted in the midst of his People, *and all Faith and Obedience given to him* by all the *Sons of Men*.

THE END

THE CONCLUSION.

WE are and have been *a Suffering and persecuted People* by the powers of this World, who have all risen up against us from time to time to destroy us, and have taken *many occasions* against us, and used many wayes and means for that end, but the Lord God everlasting hath hitherto preserved us, and kept us alive in his Name and by his Power, and not only so, but he hath enlarged us and increased us, and made us to grow in *strength*, in *courage*, in *boldnesse*, and in *number also*, through all our *Afflictions, Sufferings and Persecutions*; and this is the Lords doing, and it is marvelous in our eyes, that even the same way which our enemies have taken, and thereby thought to destroy us, by that very *way and means* hath the Lord advanced us, and promoted us, *raised us up, and strengthened us, and encreased us*, and this is to his Praise and Glory, that all Flesh and the Wisdom thereof may be confounded, and its purposes turned backward, which is intended against the Lord and his Heritage; we have seen the power of the Lord God often appearing in us and for us, and we are evident Witnesses of his deliverances which he hath wrought, and we cannot but sit down *astonished* in the remembrance of the things which our God hath done for his People in our age.

And though *multitudes* should rise up against us, either in open, actual, furious Opposition, or in more secret Contention by Arguments, or what way else soever to overthrow us, yet we have one *Witnesse* against them all to withstand them, we have one *Testimony* wherewith to oppose them if multitudes should come against us in one day; which *Witnesse* and *Testimony*, in which our Strength and Confidence lyes, is *that of the Spirit of Christ Jesus in our own hearts*, which bears witnesse to us, that *we are the People of the Lord, and he hath chosen us, and he will defend us and preserve us, and be with us unto the end for ever.* And this Witnesse is sufficient for us against multitudes of Enemies, and we cannot fear